

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 24, 2017

Senate called to order at 10:17 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Snyder.

Loving God, we often find ourselves in a state of hurriedness. We hurry to meetings, hurry to events, hurry through life. Help us to find the time and the place to be still and know that You are God.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 18, 65, 150, 253, 262, 350, 357, 437, 498, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

KELVIN ATKINSON, *Chair**Mr. President:*

Your Committee on Education, to which was referred Senate Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

MOISES DENIS, *Chair**Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 236, 344, 360, 374, 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair**Mr. President:*

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 281, 439, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair**Mr. President:*

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 582 to Senate Bill 437.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 21, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 35, 54, 61, 64, 70, 89, 95, 98, 107, 117, 125, 128, 133, 135, 150, 169, 173, 180, 190, 196, 218.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution 10.

Senator Atkinson moved that the resolution be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Senator Ford moved that the General File be considered on the last Agenda for this legislative day.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 156 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 35.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 54.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 61.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 64.

Senator Atkinson moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 70.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 89.

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

Motion carried.

Assembly Bill No. 95.

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

Motion carried.

Assembly Bill No. 98.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 107.

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

Motion carried.

Assembly Bill No. 117.

Senator Atkinson moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 125.

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

Motion carried.

Assembly Bill No. 128.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 133.

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

Motion carried.

Assembly Bill No. 135.

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

Motion carried.

Assembly Bill No. 150.

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

Motion carried.

Assembly Bill No. 169.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 173.

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

Motion carried.

Assembly Bill No. 180.

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

Motion carried.

Assembly Bill No. 190.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 196.

Senator Atkinson moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 218.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 469.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 178, 390, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Education.

JOYCE WOODHOUSE, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 235.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 18.

Bill read second time.

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

Amendment No. 369.

SUMMARY—Makes various changes relating to bail bonds. (BDR 57-464)

AN ACT relating to businesses related to bail; ~~establishing procedures for a claim by a person against the licensing bond required to be filed by a bail agent, bail enforcement agent, bail solicitor or general agent;~~ prohibiting certain conduct by a bail enforcement agent; prohibiting the compensation of an unlicensed person for referring business related to bail to a licensed person; prohibiting the use of forms or documents by a ~~surety insurer,~~ bail agent ~~for bail enforcement agent~~ in certain circumstances; revising provisions relating to the licensing of bail agents, bail enforcement agents, bail solicitors and general agents; revising provisions relating to ~~licensing~~ bonds ~~to be filed by applicants for certain licenses;~~ that are required to be filed by applicants for certain licenses; authorizing the Commissioner of Insurance to participate in a centralized registry for licensing and appointment of bail agents, bail enforcement agents, bail solicitors and general agents; providing that a surety insurer is liable for the acts of a bail agent, bail enforcement agent or general agent acting on its behalf; revising provisions relating to the money, other valuable consideration or collateral which a surety insurer or bail agent may charge, collect or accept; revising provisions relating to the apprehension and surrender of a defendant; revising provisions relating to bail bonds; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution generally provides a right to bail in all but certain criminal cases before conviction. (Nev. Const. Art. 1, § 7) Existing law authorizes the acceptance of a bond or undertaking for bail by one or more sureties. (NRS 178.502) Existing law also prohibits a person from engaging in certain businesses relating to bail without a license. (NRS 697.090)

Existing law requires a bail agent, bail solicitor or general agent to file and maintain a bond against liability relating to bail bond transactions under the person's license. (NRS 697.190) Section 25 of this bill ~~requires bail enforcement agents to also hold such a licensing bond and revises the amount of the licensing bond which must be filed and maintained by a bail agent. Section 25 also~~ requires that such a licensing bond must inure to the benefit

of any person damaged by the licensee or person acting on his or her behalf and revises provisions relating to the cancellation and replacement of a licensing bond. ~~[Section 8 of this bill provides for the payment of claims brought against a licensing bond.]~~

Sections 18-20 of this bill revise provisions relating to the issuance or renewal of a license as a bail agent, bail solicitor or bail enforcement agent, respectively. Section 21 of this bill revises the training that a bail enforcement agent must receive and requires such training to be completed before a person can enter into a contract or begin employment as a bail enforcement agent. Section 24 of this bill revises the information that must be contained in a letter submitted to the Commissioner from a local law enforcement agency by certain licensees for the renewal of a license. Section 26 of this bill revises the circumstances under which a person whose license has lapsed is exempt from retaking the examination that would otherwise be required for the issuance of a license. Section 27 of this bill authorizes the Commissioner to participate with the National Association of Insurance Commissioners in a centralized registry for licensing and appointment of bail agents, bail enforcement agents, bail solicitors and general agents. ~~[Section 28 of this bill requires a licensee to inform the Commissioner of each change of his or her business or residence address.]~~

Section 9 of this bill prohibits certain conduct by a bail enforcement agent. Section 15 of this bill prohibits an unlicensed person from receiving compensation for referring business to a person licensed to engage in business relating to bail. Section 17 of this bill requires a surety insurer to receive approval from the Commissioner before allowing the use of a form or preprinted agreement and prohibits a ~~[surety insurer,]~~ bail agent ~~[or bail enforcement agent]~~ from using a form or document not ~~[approved]~~ supplied by the ~~[Commissioner,]~~ surety insurer that appointed the bail agent. Section 30 of this bill provides that a bail agent appointed by a surety insurer acts as an attorney-in-fact for the surety insurer and the surety insurer is liable for the acts of any bail agent, bail enforcement agent or general agent acting on its behalf. Section 31 of this bill provides for the termination of the appointment of a bail agent by a surety insurer and of a bail solicitor by a bail agent and requires that certain information be filed with the Commissioner relating to such a termination. Sections 31 and 45 of this bill make such information confidential. Section 33 of this bill establishes certain requirements for bail agents. Section 39 of this bill prohibits certain acts by licensed persons. Section 41 of this bill revises the other provisions of the Nevada Insurance Code which apply to businesses related to bail. Section 42 of this bill authorizes the Commissioner to take certain administrative actions for violations of law or regulation relating to businesses related to bail. Section 7.5 of this bill authorizes the Commissioner to adopt certain regulations relating to businesses related to bail.

Section 34 of this bill revises the money or other valuable consideration which may be charged or collected by a surety insurer or bail agent in

connection with any bail transaction. Section 34 also ~~authorizes a surety insurer or bail agent to file an action in a court of competent jurisdiction to recover certain other expenses and prohibits any other form of collection for such expenses. Finally, section 34~~ requires a surety insurer or bail agent to refund all money collected and return all collateral held for a bail transaction which is cancelled before a bail bond is accepted by a court or governmental agency. Section 35 of this bill ~~revises additional provisions relating to the charges of~~ prohibits a licensee ~~from charging for any service except as provided in section 34.~~ Section 36 of this bill revises provisions relating to the acceptance and holding of collateral. Sections 37 and 38 of this bill revise provisions relating to the apprehension and surrender of a defendant to the custody of a court or governmental agency.

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

Section 1. Chapter 697 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *The purpose of this chapter is to ensure the effective regulation of bail transactions and persons who transact in the business of bail.*

2. *The Legislature declares that:*

(a) *Consumers of bail are vulnerable persons who are fighting for their rights; and*

(b) *It is the intent of the Legislature to ensure that these persons have access to bail bonds when they are unable to secure their own release through bail.*

Sec. 3. *"Bail bond" means a contract ~~of surety insurance entered into~~ between a ~~defendant in a criminal proceeding~~ court or government agency and a surety insurer ~~or a bail agent on behalf of a surety insurer, to provide bail for the~~ of a defendant ~~in which the surety insurer guarantees the appearance of the defendant in a criminal proceeding to the court or government agency.~~*

Sec. 4. *"Bail transaction" means any undertaking, solicitation, inducement, negotiation or effectuation of a bail bond for which a fee is charged and any matters arising therefrom.*

Sec. 5. *"Collateral" means any property , including, without limitation, money, subject to a security interest ~~or~~ pursuant to NRS 697.320.*

Sec. 6. *"Defendant" means a person ~~who is arrested or detained and who seeks or obtains~~ :*

1. Who is accused of a crime;

2. Who is the principal to a bail bond ~~or~~ ; and

3. Whose appearance is guaranteed by a surety insurer.

Sec. 7. *"Surety insurer" means ~~a corporate surety~~ an entity authorized to transact insurance in this State pursuant to chapter 680A of NRS ~~or authorized to act as a surety by the Commissioner.~~*

Sec. 7.5. *The Commissioner may, by regulation:*

1. Establish the qualifications for a person to act as a surety for the purposes of this chapter.

2. Provide for the issuance of proof of licensure pursuant to this chapter in a form prescribed by the Commissioner.

3. Prohibit practices in the business of bail in addition to those practices prohibited by this chapter.

~~Sec. 8. 1. Any person making a claim against a licensing bond filed pursuant to NRS 697.190 may bring an action in a court of competent jurisdiction against the licensing bond for damages sustained by the person. A person who brings an action against a licensing bond shall notify the Commissioner in writing upon filing the action. Such an action must be commenced within 6 years after the commission of the act, omission or conduct on which the action is based.~~

~~2. Upon receiving a request from a person for whose benefit a licensing bond is filed pursuant to NRS 697.190, the Commissioner shall provide a written notice to the person which states:~~

~~(a) Whether the licensing bond is in effect and the amount of the licensing bond; and~~

~~(b) If there is an action against the licensing bond, the title, court and case number of the action and the amount sought by the plaintiff.~~

~~3. If the surety insurer of a licensing bond wishes to make a payment without awaiting an action by a court, the amount of the licensing bond must be reduced to the extent of any payment made by the surety insurer of the licensing bond in good faith under the licensing bond.~~

~~4. Multiple claims against a licensing bond have equal priority. If the licensing bond is insufficient to pay all claims in full, the claims must be paid on a pro rata basis. Partial payment of a claim is not a full payment and any claimant who has received a partial payment on a claim may bring an action against the bail agent, bail enforcement agent, bail solicitor, general agent or surety insurer for the unpaid balance. (Deleted by amendment.)~~

~~Sec. 9. 1. [A] When locating a defendant for the purpose of apprehending and surrendering the defendant, a bail enforcement agent [who is authorized to locate, apprehend and surrender a defendant] shall not:~~

~~(a) Enter an inhabited dwelling or business establishment without reasonable, credible and demonstrable evidence that the defendant is immediately present;~~

~~(b) Enter an inhabited dwelling or business establishment for any purpose other than to locate, apprehend and surrender [the] a defendant;~~

~~(b) for whom a warrant has been issued or a surety has been given notice of a failure to appear pursuant to NRS 178.508;~~

~~(c) Enter the inhabited dwelling of a third party without the consent of [each] a lawful occupant of the inhabited dwelling present at the time of entry;~~

~~(c) (d) Apprehend a defendant at a business establishment without the consent of the business owner or an agent of the business [owner who has] with apparent authority to grant such consent;~~

~~[(d)]~~ (e) Identify or hold himself or herself out as a peace officer, law enforcement officer or representative of any court or governmental agency;

~~[(e)]~~ (f) Wear or use any uniform, clothing, badge or insignia that so closely resembles the uniform, clothing, badge or insignia of any city, county, state or federal law enforcement agency that it would suggest to an ordinary person that the bail enforcement agent represents or is employed by a law enforcement agency;

~~[(f)]~~ (g) Employ or ~~otherwise use~~ allow any person who is not licensed as a bail enforcement agent pursuant to the provisions of this chapter to ~~effectuate the apprehension~~ locate, apprehend or surrender ~~of~~ the defendant;

~~[(g)]~~ (h) Use more force than is reasonable and necessary to carry out the apprehension and surrender of the defendant; or

~~[(h)]~~ (i) Use ~~an electronic stun device, as defined in NRS 202.357,~~ a weapon on a person ~~other than the bail enforcement agent~~ for any purpose other than self-defense. ~~As set forth in that section.~~

2. Unless a greater penalty is provided by statute ~~[,] and in addition to any other penalty provided in this chapter,~~ a bail enforcement agent who violates any provision of this section is guilty of:

(a) For a first ~~offense,~~ violation, a misdemeanor.

(b) For a second ~~offense,~~ violation, a gross misdemeanor.

(c) For a third and each subsequent ~~offense,~~ violation, a category D felony, and shall be punished as provided in NRS 193.130.

3. As used in this section, "inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which ~~the bail enforcement agent has reasonable, credible and demonstrable evidence that the defendant is immediately present,~~ the owner or other lawful occupant resides. The term does not include a business establishment.

Sec. 10. NRS 697.020 is hereby amended to read as follows:

697.020 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 697.030 to 697.070, inclusive, ~~and sections 3 to 7, inclusive, of this act~~ have the meanings ascribed to them in those sections.

Sec. 11. NRS 697.030 is hereby amended to read as follows:

697.030 "Bail" means a deposit made with a court or other governmental agency to secure ~~or continue~~ the release from custody and to guarantee the appearance of the defendant in a criminal proceeding ~~[-. The term includes bail bonds, undertakings of bail and any pledge or deposit of the matters described in NRS 697.320.]~~ in accordance with the conditions and terms of release established by the court or governmental agency. ~~[pursuant to chapter 178 of NRS.]~~

Sec. 12. NRS 697.040 is hereby amended to read as follows:

697.040 "Bail agent" means any individual appointed by an authorized surety insurer by power of attorney to ~~act on behalf of the surety insurer in a bail transaction to execute or countersign~~ undertakings of a bail bond in

connection with judicial proceedings ~~for and who receives or is promised money or other things of value therefor.]~~ for money or other valuable consideration pursuant to NRS 697.300.

Sec. 13. NRS 697.055 is hereby amended to read as follows:

697.055 "Bail enforcement agent" means a person who ~~[has contracted]~~ contracts with or is employed by a surety insurer or bail agent ~~[as a special agent or an attorney in fact]~~ to enforce ensure a defendant complies with the terms and conditions established by a court or governmental agency of a defendant's release from custody on bail in a criminal proceeding ~~[,]~~ and to locate ~~[a defendant]~~ and ~~[to]~~ apprehend a defendant ~~[or surrender a solely]~~ for the purpose of surrendering the defendant to custody . ~~[, or both, if appropriate.]~~

Sec. 14. NRS 697.070 is hereby amended to read as follows:

697.070 1. "General agent" means any individual or person appointed by ~~[an authorized]~~ a surety insurer to supervise or manage the bail bond business written by bail agents of ~~[such]~~ the surety insurer.

2. A general agent shall not solicit or negotiate undertakings of bail or bail bonds unless licensed as a bail agent by this state.

Sec. 15. NRS 697.090 is hereby amended to read as follows:

697.090 1. A person in this state shall not act in the capacity of a bail agent, bail enforcement agent, ~~[or]~~ bail solicitor ~~[,]~~ or general agent, or perform any of the functions, duties or powers prescribed for a bail agent, bail enforcement agent, ~~[or]~~ bail solicitor or general agent under the provisions of this chapter, unless that person is qualified and licensed as provided in this chapter. The Commissioner may, after notice and opportunity to be heard, impose an administrative fine ~~[of not more than \$1,000]~~ pursuant to NRS 697.370 for each act or violation of the provisions of this subsection.

2. ~~[A person, whether or not located in this state, shall not act as or hold himself or herself out to be a general agent unless qualified and licensed as such under the provisions of this chapter.]~~

~~3.]~~ A person who is not licensed pursuant to this chapter shall not request or accept any payment, commission or other remuneration for referring business to a person licensed pursuant to this chapter.

~~4.]~~ 3. For the protection of the people of this state, the Commissioner shall not issue or renew, or permit to exist, any license except in compliance with this chapter. The Commissioner shall not issue or renew, or permit to exist, a license for any person ~~[found]~~ determined by the Commissioner to be untrustworthy or incompetent, or who has not established to the satisfaction of the Commissioner that the person is qualified therefor in accordance with this chapter.

Sec. 16. NRS 697.100 is hereby amended to read as follows:

697.100 1. Except as otherwise provided in this section, no license may be issued:

(a) Except in compliance with this chapter.

(b) To a bail agent, bail enforcement agent or bail solicitor, unless he or she is a natural person.

2. ~~[A corporation]~~ *An entity who has been issued a state business license pursuant to chapter 76 of NRS* may be licensed as a bail agent ~~for bail enforcement agent~~ if:

(a) The ~~[corporation]~~ *entity* is owned and controlled by ~~[an]~~ a surety insurer ~~; [authorized to write surety, transact such insurance in this State or a subsidiary corporation of such an insurer;]~~ or

(b) Ownership and control of the ~~[corporation]~~ *entity* is retained by one or more licensed *bail* agents.

3. ~~[This section does not prohibit two or more licensed bail agents from entering into a partnership for the conduct of their bail business. No person may be a member of such a partnership unless the person is licensed pursuant to this chapter in the same capacity as all other members of the partnership. A limited partnership or a natural person may not have any proprietary interest, directly or indirectly, in a partnership or the conduct of business thereunder except licensed bail agents as provided in this chapter.]~~ *Except for the performance of ministerial acts, a person shall not act on behalf of a bail agent in a bail transaction unless the person is licensed as a bail agent.*

Sec. 17. NRS 697.130 is hereby amended to read as follows:

697.130 1. The Commissioner shall prescribe and furnish all forms in connection with licensing and appointments required under this chapter.

2. A surety insurer must, before allowing the use of any form or preprinted agreement by its appointed bail agents, submit all such forms and preprinted agreements to the Commissioner for approval.

3. A ~~[surety insurer]~~ bail agent ~~for bail enforcement agent~~ shall not use ~~[any]~~ a form or ~~[document not approved by the Commissioner]~~ *preprinted agreement unless the form or preprinted agreement is supplied by the surety insurer that appointed the bail agent.*

Sec. 18. NRS 697.150 is hereby amended to read as follows:

697.150 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 2 and 3*, a person ~~[is entitled to]~~ may receive, renew or hold a license as a bail agent if the person:

(a) Is a resident of this State and has resided in this State for not less than 1 year immediately preceding the date of the application for the license.

(b) Is a natural person not less than 18 years of age.

(c) Has been appointed as a bail agent by an authorized surety insurer, subject to the issuance of the license.

(d) Is competent, trustworthy and financially responsible.

(e) Has passed any written examination required under this chapter.

(f) Has filed the ~~[licensing]~~ bond required by NRS 697.190.

(g) Has, on or after July 1, 1999, successfully completed ~~[a 6-hour]~~ *an 18-hour* course of instruction in bail ~~[bonds]~~ *transactions* that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(2) Approved by the Commissioner.

2. ~~{A person is not entitled to receive, renew or hold The Commissioner may, at any time, as a condition of receiving, renewing or holding a license as a bail agent if the person has, require a person to complete a:~~

~~— (a) Psychiatric or psychological examination if the Commissioner has reasonable belief that the person may be suffering from a psychological condition that may adversely affect the ability of the person to carry out his or her duties as a bail agent.~~

~~— (b) Test of the person's blood or urine to determine whether a controlled substance is present in the person's blood or urine and submit the results of the test to the Commissioner. If the results of the test indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription, the Commissioner may deny, suspend or revoke the license of the person.~~

~~—3. The Commissioner may deny an application for, refuse to renew or revoke a license as a bail agent if the applicant or licensee:~~

~~(a) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to {, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for} :~~

~~(1) Any crime involving an act of dishonesty, a breach of trust or moral turpitude;~~

~~(2) A felony in this State or of any offense committed in another state which would be a felony if committed in this State; or~~

~~(3) The unlawful use, sale or possession of a controlled substance;~~

~~(b) Is determined by the Commissioner to {deny a license to the applicant or to suspend or revoke the license of the agent.} be untrustworthy or incompetent; or~~

~~(c) Has not established to the satisfaction of the Commissioner that he or she is qualified in accordance with the provisions of this chapter.~~

Sec. 19. NRS 697.170 is hereby amended to read as follows:

697.170 1. Except as otherwise provided in subsection 2, a person ~~{is entitled to}~~ may receive, renew or hold a license as a bail solicitor if the person:

(a) Is a natural person not less than 18 years of age.

(b) Is a resident of this state and has resided in this state for not less than 3 months immediately preceding the date of the application for the license.

(c) Is the bona fide employee of a licensed bail agent as a bail solicitor, or is to be so employed subject to the issuance of the license.

(d) Has successfully completed a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail solicitors; and

(2) Is approved by the Commissioner.

(e) Has passed any written examination required under this chapter.

2. ~~{Except as otherwise provided in NRS 697.188, a person is not entitled to receive, renew or hold}~~ *The Commissioner may deny an application for, refuse to renew or revoke a license as a bail solicitor if the {person;} applicant or licensee:*

(a) Has been convicted of ~~{a}~~ , *or entered a plea of guilty, guilty but mentally ill or nolo contendere to:*

(1) *Any crime involving an act of dishonesty, a breach of trust or moral turpitude;*

(2) *A felony in this state or of any offense committed in another state which would be a felony if committed in this state; or*

~~{(b) Has been convicted of an offense involving moral turpitude or the}~~

(3) *The unlawful use, sale or possession of a controlled substance {;} ;*

(b) *Is determined by the Commissioner to be untrustworthy or incompetent;*
or

(c) *Has not established to the satisfaction of the Commissioner that he or she is qualified in accordance with the provisions of this chapter.*

Sec. 20. NRS 697.173 is hereby amended to read as follows:

697.173 1. ~~Except as otherwise provided in subsection 2, {subsections 2 and 3}, a person {is entitled to} may receive, renew or hold a license as a bail enforcement agent if the person:~~

(a) Is a natural person not less than 21 years of age.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has:

(1) A high school diploma;

(2) A general equivalency diploma or an equivalent document; or

(3) An equivalent education as determined by the Commissioner.

(d) Has complied with the requirements of subsection 4 of NRS 697.180.

(e) Has submitted to the Commissioner the results of an examination conducted by a psychiatrist or psychologist licensed to practice in this state which indicate that the person does not suffer from a psychological condition that would adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.

(f) Has passed any written examination required by this chapter.

(g) Submits to the Commissioner the results of a test to detect the presence of a controlled substance in the system of the person that was administered no earlier than 30 days before the date of the application for the license which do not indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription issued in the name of the person.

(h) {Successfully completes}

~~{(f)}~~ *Has successfully completed the training required by NRS 697.177.*

2. ~~{A person is not entitled to receive, renew or hold. The Commissioner may, at any time, as a condition of receiving, renewing or holding a license as a bail enforcement agent, require a person to complete a}~~

~~—(a) Psychiatric or psychological examination if the Commissioner has reasonable belief that the person may be suffering from a psychological condition that may adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.~~

~~—(b) Test of the person's blood or urine to determine whether a controlled substance is present in the person's blood or urine and submit the results of the test to the Commissioner. If the results of the test indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription, the Commissioner may deny, suspend or revoke the license of the person.~~

~~—3.1~~ The Commissioner may deny an application for, refuse to renew or revoke a license ~~for~~ as a bail enforcement agent if the ~~person;~~ applicant or licensee:

(a) Has been convicted of ~~a~~, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:

(1) Any crime involving an act of dishonesty, a breach of trust or moral turpitude;

(2) A felony in this state or of any offense committed in another state which would be a felony if committed in this state; or

~~[(b) Has been convicted of an offense involving moral turpitude or the]~~

(3) The unlawful use, sale or possession of a controlled substance ~~[-]~~ ;

(b) Is determined by the Commissioner to be untrustworthy or incompetent; or

(c) Has not established to the satisfaction of the Commissioner that he or she is qualified in accordance with the provisions of this chapter.

Sec. 21. NRS 697.177 is hereby amended to read as follows:

697.177 1. Except as otherwise provided in this section, an applicant for a license as a bail enforcement agent must satisfactorily complete a basic course of training for bail enforcement agents that is approved by the Commissioner.

2. The basic course of training must consist of at least 80 hours of training which includes instruction in:

(a) The following areas of the law:

(1) Constitutional law;

(2) Procedures for ~~arresting~~ apprehending defendants and surrendering defendants into custody;

(3) Civil liability;

(4) The civil rights of persons who are detained in custody;

(5) The use of force; and

(6) The history and principles of bail;

(b) Procedures for field operations, including, without limitation:

(1) Safety and survival techniques;

(2) Searching buildings;

(3) Handling persons with mental illness or who are under the influence of alcohol or a controlled substance; and

(4) The care and custody of prisoners;
 (c) The skills required of bail enforcement agents, including, without limitation:

- (1) Writing reports, completing forms and procedures for exoneration;
- (2) Methods ~~[of arrest;]~~ *for apprehending defendants;*
- (3) Nonlethal weapons;
- (4) The retention of weapons;
- (5) Qualifications for the use of firearms; and
- (6) Defensive tactics;

(d) Principles of investigation, including, without limitation:

(1) The basic principles of locating defendants who have not complied with the terms and conditions established by a court *or other governmental agency* for their release from custody or the terms and conditions of a contract entered into with a surety ~~[;]~~ *insurer*; and

(2) Ethics; and

(e) The following subjects:

- (1) Demeanor in a courtroom;
- (2) First aid used in emergencies; and
- (3) Cardiopulmonary resuscitation.

~~[An applicant may complete the 80 hours of training required by this subsection by completing 16 hours of training each weekend for 5 weeks.]~~

3. In lieu of completing the basic course of training required by subsection 1, an applicant may submit proof to the Commissioner that the applicant has completed a course of training required by a municipal, state or federal law enforcement agency or a branch of the Armed Forces to carry out the duties of a peace officer.

4. An applicant for a license as a bail enforcement agent must complete the training required by this section ~~[within 9 months after the date the applicant is employed by a bail agent as a bail enforcement agent. The Commissioner shall issue a temporary license to an applicant who has not completed the training if the applicant is otherwise qualified to be issued a license as a bail enforcement agent. The temporary license:~~

~~—(a) Authorizes the person to whom it is issued to act as a bail enforcement agent while employed by a licensed bail agent.~~

~~—(b) Is valid for 9 months or until the person to whom it is issued completes the training required by this section, whichever occurs first.~~

~~—(c) May not be renewed.] before the applicant enters into a contract or begins employment with a surety insurer or with a bail agent, on behalf of a surety insurer.~~

Sec. 22. NRS 697.183 is hereby amended to read as follows:

697.183 An application for a license as a bail agent must be accompanied by:

1. Proof of the completion of ~~[a 6-hour]~~ *the* course of instruction in bail ~~[bonds]~~ *transactions required by NRS 697.150* that is:

(a) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(b) Approved by the Commissioner.

2. A written appointment by an authorized *surety* insurer as agent for bail bonds, subject to the issuance of the license.

3. A letter from a local law enforcement agency in the applicant's county of residence which indicates that the applicant:

(a) Has not been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; and

(b) Has not been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

Sec. 23. NRS 697.184 is hereby amended to read as follows:

697.184 1. An application for a license as a general agent must be accompanied by:

(a) Proof of the completion of a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for general agents; and

(2) Approved by the Commissioner.

(b) A written appointment by an authorized *surety* insurer as general agent, subject to the issuance of the license.

(c) A letter from a local law enforcement agency in the applicant's county of residence which indicates that the applicant:

(1) Has not been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; and

(2) Has not been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

(d) A copy of the contract or agreement that authorizes the general agent to act as general agent for the *surety* insurer.

(e) Any other information the Commissioner may require.

2. If the applicant for a license as a general agent is a firm or corporation, the application must include the names of the members, officers and directors and designate each natural person who is to exercise the authority granted by the license. Each person so designated must furnish information about himself or herself as though the application were for an individual license.

Sec. 24. NRS 697.188 is hereby amended to read as follows:

697.188 A person who is licensed as a general agent, bail agent or bail solicitor on October 1, 1997, ~~is entitled to~~ may renew his or her license after that date if the person is otherwise qualified to be issued such a license and submits to the Commissioner a letter from a local law enforcement agency in his or her county of residence which indicates that the person:

1. Has not, on or after October 1, 1997, been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; ~~and~~

2. Has not, on or after October 1, 1997, been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance ~~[-]~~ ; and

3. ~~Has complied with the requirements of [NRS 697.090 and 697.150 and is otherwise qualified for the issuance of the license pursuant to]~~ this chapter.

Sec. 25. NRS 697.190 is hereby amended to read as follows:

697.190 1. Each applicant for a license as a bail agent, bail ~~enforcement agent, bail~~ solicitor or general agent must file with the application, and thereafter maintain in force while so licensed, a ~~licensing~~ bond in favor of the people of the State of Nevada executed by an authorized surety insurer. The ~~licensing~~ bond may be continuous in form with total aggregate liability limited to payment as follows:

(a) Bail agent	\$25,000.....	~~[\$100,000]~~
(b) ~~Bail enforcement agent~~		100,000
~~(c)~~ Bail solicitor		10,000
~~(c)~~ ~~(d)~~ General agent		50,000

2. The ~~licensing~~ bond must ~~be conditioned upon full accounting and payment~~ inure to the benefit of any person ~~[entitled thereto of money, property] damaged by any act, omission or [other matters coming into the licensee's possession through bail bond transactions under the license.]~~ conduct of the bail agent, ~~bail enforcement agent,~~ bail solicitor or general agent, any employee thereof or any independent contractor or assignee acting on behalf thereof.

3. The ~~licensing~~ bond must remain in force until released by the Commissioner, or cancelled by the surety ~~insurer.~~ Without prejudice to any liability previously incurred under the bond, the surety ~~insurer~~ may ~~request to~~ cancel the ~~licensing~~ bond upon 30 days' advance written notice to the licensee and the Commissioner. ~~Upon receipt of such a [request,] notice, the Commissioner shall:~~

(a) Suspend the license of the bail agent, ~~bail enforcement agent,~~ bail solicitor or general agent for whom the bond was filed without a hearing if the licensee fails to provide a replacement bond which meets all requirements of this section for the cancelled bond before the date of cancellation of the cancelled bond. Such a suspension is effective on the date of cancellation of the cancelled bond.

(b) Revoke the license of a bail agent, ~~bail enforcement agent,~~ bail solicitor or general agent for whom the bond was filed unless the licensee furnishes an equivalent bond or a substitute form of security which is acceptable to the Commissioner within 30 days after the cancellation to replace the cancelled bond.

➡ A cancellation pursuant to this section does not affect any liability incurred or accrued on the ~~licensing~~ bond before the cancellation.

Sec. 26. NRS 697.205 is hereby amended to read as follows:

697.205 A bail agent, bail enforcement agent or bail solicitor whose license lapses is exempt from retaking the examination otherwise required under NRS 697.200 if he or she applies and is ~~relicensed~~ :

1. *Relicensed* within 6 months after the date of lapse ~~[-]~~ ; and
2. *Otherwise qualified for the issuance of the license pursuant to this chapter.*

Sec. 27. NRS 697.210 is hereby amended to read as follows:

697.210 1. If the Commissioner finds that the application is complete, that the applicant has passed all required examinations and is otherwise qualified for the license applied for, the Commissioner ~~[shall promptly]~~ may issue the license. ~~[Otherwise,]~~ If the Commissioner ~~[shall refuse]~~ refuses to issue the license ~~[and]~~ , the Commissioner shall promptly notify the applicant and the appointing surety insurer, if the application is for a bail agent's or general agent's license, or the employer, if the application is for a *bail enforcement agent's* or bail solicitor's license, of such refusal, stating the grounds for the refusal.

2. All *licensing* fees required to be paid pursuant to this chapter shall be deemed earned when paid and may not be refunded.

3. *The Commissioner may participate with the National Association of Insurance Commissioners, or a subsidiary thereof, in a centralized registry in which the licensing and appointment of bail agents, bail enforcement agents, bail solicitors and general agents may be processed for all states that require licensing and participate in the registry. If the Commissioner finds that participation is in the public interest, the Commissioner may adopt by regulation any requirements for participation, including, without limitation, any centralized collection of fees for licensing and appointment through the use of the registry.*

Sec. 28. ~~[NRS 697.220 is hereby amended to read as follows:~~

~~697.220 1. A license must state the name and address of the licensee, the date of issue, general conditions relative to expiration or termination, and such other information and conditions as the Commissioner may deem proper and consistent with law.~~

~~2. The license of a bail solicitor must also state the name and address of the bail agent who is the employer of the bail solicitor.~~

~~3. A licensee shall inform the Commissioner of each change of his or her business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee fails to give notice pursuant to this subsection and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license of the licensee without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her most recent mailing address on record with the Division, and the return of the letter undelivered, is deemed to constitute a diligent effort by the Commissioner.] (Deleted by amendment.)~~

Sec. 29. NRS 697.230 is hereby amended to read as follows:

697.230 1. ~~{Except as otherwise provided in NRS 697.177, each}~~ *Each* license issued ~~{to a general agent, bail agent, bail enforcement agent or bail solicitor}~~ under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed *if the licensee is qualified as provided in this chapter* upon payment of all applicable fees for renewal to the Commissioner on or before the last day of the month in which the license is renewable. All applicable fees must be accompanied by:

(a) Proof that the licensee has completed a 3-hour program of continuing education that is:

(1) Offered by the authorized surety insurer from whom the licensee received written appointment, if any, a state or national organization of bail agents or another organization that administers training programs for general agents, bail agents, bail enforcement agents or bail solicitors; and

(2) Approved by the Commissioner;

(b) If the licensee is a natural person, the statement required pursuant to NRS 697.181; and

(c) A written request for renewal of the license. The request must be made and signed:

(1) By the licensee in the case of the renewal of a license as a general agent, bail enforcement agent or bail agent.

(2) By the bail solicitor and the bail agent who employs the solicitor in the case of the renewal of a license as a bail solicitor.

2. ~~{Any}~~ *Except as otherwise provided in subsection 3, any license that is not renewed on or before the last day specified for its renewal expires at midnight on that day. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the date of expiration if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and, if the person requesting renewal is a natural person, the statement required pursuant to NRS 697.181.*

3. *A licensee who is unable to renew his or her license because of military service, extended disability or any other extenuating circumstance specified by the Commissioner may request a waiver of the provisions of subsection 2 and of any administrative fine imposed because of his or her failure to renew the license.*

4. A bail agent's license continues in force ~~{while}~~ *as provided in subsection 1 if ~~{there is in effect}~~ an appointment of ~~{him or her}~~ the licensee as a bail agent of one or more authorized surety insurers. ~~{It}~~ is in effect.* Upon termination of all the bail agent's appointments and the bail agent's failure to replace any appointment within 30 days thereafter, the bail agent's license expires and the bail agent shall promptly deliver his or her license to the Commissioner.

~~{4.}~~ 5. The Commissioner shall terminate the license of a general agent for a particular surety insurer upon a written request by the surety insurer.

~~{5. This section does not apply to temporary licenses issued under NRS 683A.311 or 697.177.}~~

Sec. 30. NRS 697.240 is hereby amended to read as follows:

697.240 1. Each surety insurer appointing a bail agent shall file with the Commissioner a written appointment and pay the applicable fee for the appointment.

2. Each appointment remains in effect until the bail agent's license is revoked or otherwise terminated, ~~for there is~~ an earlier termination of the appointment ~~{,} occurs or, if the written appointment provides a date for its expiration, the written appointment expires.~~

3. ~~{No surety insurer may appoint a bail agent whose contingent liability exceeds an amount equal to 10 times his or her reserve account unless the appointment is first approved by the Commissioner.}~~

~~4. A bail agent appointed by a surety insurer acts as an attorney-in-fact for the surety insurer {at all times on bail bonds and other contracts executed on behalf of the surety insurer, or in connection with} for a bail transaction.~~

~~{5.} 4. A surety insurer is liable for the acts of any appointed bail agent, bail enforcement agent and general agent acting on its behalf. {, whether directly or indirectly.}~~

Sec. 31. NRS 697.250 is hereby amended to read as follows:

697.250 1. ~~{An}~~ A surety insurer may terminate ~~{an}~~ its appointment of a bail agent at any time. The surety insurer shall promptly give written notice of the termination and the effective date thereof to the Commissioner, on forms furnished by the Commissioner, and to the bail agent if reasonably possible. The Commissioner may require of the surety insurer reasonable proof that the surety insurer has also given such a notice to the bail agent if reasonably possible.

2. Accompanying each notice of termination given to the Commissioner, the surety insurer shall file with the Commissioner a statement of the cause, if any, for the termination. Any information or documents so disclosed to the Commissioner ~~{shall be deemed an absolutely privileged communication,}~~ are confidential, and the information or documents are not admissible as evidence in any action or proceedings unless their use as evidence is permitted by the surety insurer in writing.

3. A bail agent terminating the ~~{appointment and license as such}~~ employment of a bail solicitor shall give notice of the termination in the manner prescribed by subsections 1 and 2. Any information or documents disclosed to the Commissioner ~~{shall be deemed an absolutely privileged communication, unless the privilege}~~ are confidential, unless confidentiality is waived in writing by the bail agent.

4. No agreement between ~~{an}~~ a surety insurer and a bail agent ~~{or between an employing bail agent and a licensed bail solicitor affects the Commissioner's}~~ affects the expiration of the bail agent's license based on the termination of all of the ~~{appointment, or license if the termination is requested}~~

by the insurer or the employing bail agent, as the case may be.] appointments of the bail agent.

Sec. 32. ~~[NRS 697.270 is hereby amended to read as follows:~~

~~697.270 A bail agent shall not act as an attorney in fact for [an] a surety insurer on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the bail agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each surety insurer which the bail agent represents as bail agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the bail agent is licensed by the Commissioner.] (Deleted by amendment.)~~

Sec. 33. NRS 697.280 is hereby amended to read as follows:

697.280 1. Every bail agent shall have and maintain in this state a place of business accessible to the public, wherein the licensee ~~[principally]~~ conducts transactions under his or her license. The address of the ~~[principal]~~ place of business of the licensee must appear upon the application for a license and upon the license, when issued, and the licensee shall promptly notify the Commissioner of any change in that address. This subsection does not prohibit a licensee from conducting business in his or her residence in this state.

2. The licenses of the licensee, and ~~[those of]~~ all others employed by the licensee, ~~[and]~~ the fees charged for services rendered and a statement of consumer rights must be conspicuously displayed in the ~~[principal]~~ place of business of the licensee in a part or area customarily open to the public. *The licensee shall provide a copy of the statement of consumer rights to each ~~[client]~~ principal and indemnitor. The Commissioner shall adopt regulations which establish the statement of consumer rights required to be displayed and provided to each ~~[client]~~ principal and indemnitor by this subsection.*

3. *In addition to providing copies of all approved agreements and forms pursuant to NRS 697.130, a bail agent shall provide to a defendant and any other party to a bail transaction, in writing, the name and contact information of the surety insurer issuing the bail bond in the transaction.*

4. The bail agent shall keep at his or her ~~[principal]~~ place of business the records required under NRS 697.290.

5. Only one fictitious name may be ~~[used for any bail agent]~~ established under ~~[the]~~ a bail agent's license. The fictitious name must be registered with and approved by the Division.

Sec. 34. NRS 697.300 is hereby amended to read as follows:

697.300 1. A surety insurer or bail agent shall not, in any bail transaction or in connection therewith, directly or indirectly, charge or ~~[collect]~~ accept money or other valuable consideration ~~[from any person]~~ except for the following purposes:

(a) To pay the ~~{premium at the rates established by the insurer, in accordance with chapter 686B of NRS, or to pay the charges for the bail bond filed in connection with the transaction at the rates filed in accordance with the provisions of this Code. The rates must be}~~ *one-time charge of 15 percent of the amount of the bail bond or \$50, whichever is greater {, for a bail bond executed and accepted by a court or governmental agency. ~~as set out in NRS 697.310.}~~*

(b) ~~{To provide collateral.~~

~~— (c) To reimburse himself or herself for}~~ *For* actual expenses incurred in ~~{connection with}~~ the *bail* transaction. Such expenses are limited to:

(1) Guard fees.

(2) Notary public fees, recording fees, expenses incurred for necessary long distance telephone calls and charges for telegrams.

(3) Travel expenses incurred more than 25 miles from the *bail* agent's ~~{principal}~~ place of business. Such expenses:

(I) May be billed at the rate provided for state officers and employees generally; and

(II) May not be charged in areas where bail agents advertise a local telephone number.

(4) Expenses incurred to verify underwriting information.

(5) ~~{Any}~~ *Court fees associated with the filing of the bail bond.*

~~{2.} (c) For {any} other actual {expenditure necessary to the transaction which is not usually and customarily incurred in connection with bail transactions.~~

~~— (d) To reimburse himself or herself, or have} expenses {incurred in good faith, a surety insurer or bail agent has a right of action at law in a court of competent jurisdiction against the principal or any indemnitor, for actual including, without limitation, those expenses incurred in good faith, by reason of breach by the defendant of any of the terms of the written agreement under which and pursuant to which the undertaking of bail or bail bond was written. If there is no written agreement, or an incomplete writing, the surety may, at law, enforce its equitable rights against the principal and his or her indemnitors, in exoneration. Such reimbursement or right of action must not exceed the principal sum of the bond or undertaking, plus any reasonable expenses that may be verified by receipt in a total amount of not more than the principal sum of the bond or undertaking, incurred in good faith by the surety, its agents, licensees and employees by reason of the principal's breach.~~

~~— 2. This section does not prevent the full and unlimited right of a bail agent to execute undertaking of bail on behalf of a nonresident agent of the surety he or she represents. The licensed resident bail agent is entitled to a minimum countersignature fee of \$5, with a maximum countersignature fee of \$100, plus expenses incurred in accordance with paragraphs (c) and (d) of subsection 1. Such countersignature fees may be charged in addition to the premium of the undertaking. A surety insurer or bail agent shall not use any other form of collection to recover such expenses.~~

~~3.] authorized by the Commissioner by regulation.~~

2. At any time before a bail bond is accepted by a court or governmental agency, the bail transaction may be cancelled by any party to the bail transaction.

3. If a defendant is not released from custody, including, without limitation, as a result of a hold imposed by a court or governmental agency, a bail transaction involving the defendant is deemed to be cancelled.

4. If a bail transaction is cancelled ~~[.]~~ or a defendant is located, apprehended or surrendered in violation of section 9 of this act, the surety insurer or bail agent ~~[on behalf of the surety insurer]~~ must refund all money ~~[collected]~~ and return all collateral held pursuant to NRS 697.320 in full by the end of the 10th business day after the cancellation. The surety insurer or bail agent ~~[on behalf of the surety insurer]~~ shall pay interest on any money or collateral not returned within the period set forth in this subsection.

Sec. 35. NRS 697.310 is hereby amended to read as follows:

697.310 ~~[1.]~~ Except to the extent permitted by ~~[paragraphs (c) and (d) of subsection 1 and subsection 2 of]~~ NRS 697.300, a licensee shall not ~~[make any]~~ charge for ~~[the]~~ any services, ~~[of the licensee in a bail transaction that are in addition to the premium or the charge for a bail bond at the rates filed in accordance with the provisions of this Code. a one-time charge of 15 percent of the amount of the bond or \$50, whichever is greater, for the bail bond executed in the bail transaction.]~~

~~2. A licensee shall not charge any costs associated with hiring an attorney at law to represent the surety insurer, bail agent, bail enforcement agent, bail solicitor or general agent.~~

~~3. A licensee shall not charge or collect any fees for a bail transaction that is cancelled at any time before the bail bond is accepted by a court or governmental agency.]~~

Sec. 36. NRS 697.320 is hereby amended to read as follows:

697.320 1. A ~~[On behalf of a surety insurer, a]~~ bail agent may accept ~~[physical possession of]~~ property as collateral solely as security ~~[in connection with]~~ for a bail ~~[transaction]~~ bond if the property offered as collateral ~~[security]~~ is reasonable in relation to the face amount of the bail bond. The bail agent shall not transfer the collateral to any person other than a bail agent licensed pursuant to this chapter or a surety insurer holding a valid certificate of authority issued by the Commissioner. The collateral must not be transported or otherwise removed from this state. ~~[Any person who receives the collateral:—(a) Shall be deemed to hold the collateral when any collateral is held to secure an interest in a bail transaction, the]~~ The collateral must be:

(a) Described with specificity in a ~~[writing]~~ written receipt signed by ~~[each party to the bail transaction]~~ the surety insurer or bail agent and the depositor at the time ~~[of the issuance of the bail bond]~~ the collateral is accepted;

(b) Held in a fiduciary capacity ~~[to the same extent as a bail agent; and—(b) Shall retain, return]~~ ;

(c) Held, returned and otherwise ~~[possess the collateral]~~ possessed in accordance with the provisions of this chapter ~~[]~~ ; and

(d) Insured by the surety insurer or bail agent who has physical possession of the collateral, at the expense of the surety insurer or bail agent, to the benefit of the principal or indemnitor.

2. ~~[The collateral security must be received by the bail agent in his or her fiduciary capacity, and before any forfeiture of bail] Any ~~[other form of security interest obtained]~~ collateral in connection with a bail transaction for which the bail agent does not take possession is governed by chapter 104 of NRS and any other applicable laws.~~

3. Any collateral specified in subsection 1 must be kept separate and apart from any other funds or assets of the ~~[licensee.]~~ surety insurer or bail agent. Any security interest in collateral ~~[received must be returned to the person who deposited it with the bail agent or any assignee other than the bail agent]~~ terminates as soon as the obligation, the satisfaction of which was secured by the collateral, is discharged ~~[and all fees owed to the bail agent have been paid.] or the bail transaction is cancelled [.~~ The bail agent or any surety insurer having custody of the collateral shall, immediately after the bail agent or surety insurer receives ~~receiving a request for return of the collateral from the person who deposited the collateral, determine whether the bail agent or surety insurer has received notice that the obligation is has been discharged.~~ If the pursuant to NRS 697.300. Any collateral ~~[is deposited to secure the obligation of a bail bond, it]~~ must be returned ~~[immediately upon a determination that]~~ within 10 days after the obligation is discharged or [within 10 days] after receipt of ~~[the]~~ a written request for return of the collateral , ~~[and notice of the entry of any order by an authorized official by virtue of which liability under the bond is terminated or upon payment of all fees owed to the bail agent,]~~ whichever is ~~[later.]~~ earlier. ~~[A certified copy of the minute order from the court wherein the bail or undertaking was ordered exonerated shall be deemed prima facie evidence of exoneration or termination of liability.]~~

3.— If a bail agent receives as collateral in a bail transaction, whether on the bail agent's or another person's behalf, any document conveying title to real property, the bail agent shall not accept the document unless it indicates on its face that it is executed as part of a security transaction. If the document is recorded, the bail agent or any surety insurer having possession of the document shall, immediately after the bail agent or surety insurer receives a request for return of the collateral from the person who executed the document:

- (a) Determine whether the bail agent or surety insurer has received notice that the obligation for which the document was accepted is discharged; and
- (b) If the obligation has been discharged, reconvey the real property by delivering a deed or other document of conveyance to the person or to the heirs of the person, legal representative or successor in interest. The deed or other document of conveyance must be prepared in such a manner that it may be recorded.]

4. If a judgment of default on an order of forfeiture is entered by a court against the surety insurer pursuant to NRS 178.514, and payment of the forfeited bond is collected by the court or governmental agency, the surety insurer or bail agent may reimburse itself from the collateral received in a bail transaction for the amount forfeited to the court or governmental agency. If the ~~{amount}~~ value of ~~{any}~~ the collateral ~~{received in a bail transaction}~~ exceeds the amount of ~~{any bail forfeited by the defendant for whom the collateral was accepted, the bail agent or any surety insurer having custody of the collateral shall, immediately after the bail is forfeited, at the judgment, of default on an order of forfeiture entered by a court against the surety insurer pursuant to NRS 178.514,}~~ the surety insurer or bail agent ~~{on behalf of the surety insurer}~~ shall ~~{immediately}~~, within 10 days, return to the person who deposited the collateral the amount by which the collateral exceeds the amount of the bail forfeited. ~~{Any collateral returned to a person pursuant to this subsection is subject to a claim for fees, if any, owed to the bail agent returning the collateral.}~~

5. If a bail agent accepts physical possession of collateral, the bail agent shall immediately give a written receipt for the collateral. The receipt must include in detail a full account of the collateral received ~~{,}~~, including, without limitation, the reasonable value and physical location of the collateral. ~~{If collateral is accepted in any form other than by physical possession, the bail agent shall comply with any other applicable law or regulation concerning the collateral, including, without limitation, the requirements of NRS 104.9101 to 104.9717, inclusive.}~~

Sec. 37. NRS 697.325 is hereby amended to read as follows:

697.325 1. A surety insurer or bail agent may, at any time before the surety insurer is discharged ~~{, cause}~~ from its obligation to the court or governmental agency, authorize the defendant to be apprehended and surrendered to the custody of the court or governmental agency by a bail enforcement agent ~~{,}~~ pursuant to section 9 of this act. Before ~~{causing}~~ authorizing the defendant to be apprehended, the surety insurer or bail agent must provide to the bail enforcement agent:

(a) Written authorization to apprehend and surrender the defendant indicating ~~{good cause}~~ the reason for his or her apprehension and surrender; and

(b) A copy of the bail bond.

2. A surety insurer or bail agent may not ~~{hire}~~ employ or contract with a bail enforcement agent for any purpose other than to apprehend and surrender the defendant to a court or governmental agency.

3. A bail enforcement agent may not apprehend a defendant for any purpose other than to surrender the defendant to a court or governmental agency ~~{,}~~ pursuant to this chapter.

4. After apprehending a defendant in this state, a ~~{bail agent or}~~ bail enforcement agent shall, immediately or without undue delay, notify in

person or by telephone the local law enforcement agency of the jurisdiction in which the defendant was apprehended of:

- (a) The identity of the defendant;
- (b) The identity of the bail ~~{agent or bail}~~ enforcement agent ~~{;}~~ and *the surety insurer and bail agent authorizing the surrender of the defendant; and*
- (c) Where the ~~{bail agent or}~~ bail enforcement agent is taking the defendant to surrender the defendant into custody.

~~{2. Before forcibly entering an inhabited dwelling}~~

5. After apprehending a defendant in this state, a ~~{bail agent or}~~ bail enforcement agent shall ~~{notify the local law enforcement agency of the jurisdiction in which the dwelling is located.}~~

~~—3. A bail agent or bail enforcement agent who violates the provisions of this section is guilty of a misdemeanor.~~

~~—4. As used in this section, "inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.}~~ , without undue delay, transport the defendant to the nearest jail or facility of a law enforcement agency or arrange for the transport of the defendant by the appropriate law enforcement agency.

~~6. If a county sheriff accepts custody of the defendant, the sheriff shall require a certified copy of the bail bond which indicates:~~

~~—(a) That the bail enforcement agent was authorized to apprehend and surrender the defendant; and~~

~~—(b) The good cause for which apprehension and surrender existed.~~

~~—7. The certified}~~ A copy of {the bail bond} all documents provided to a {county sheriff pursuant to subsection 6} law enforcement agency or other governmental agency must be filed by the bail enforcement agent with the Commissioner of Insurance within 10 days after the surrender, together with a statement concerning the surrender which includes, without limitation, the information required on Form M-8C, available from the Commissioner of Insurance.

~~{8.}~~ 7. A bail enforcement agent who apprehends a defendant in this State or any other jurisdiction acts ~~{as an agent for}~~ on behalf of the surety insurer ~~{or}~~ and bail agent and is not acting for or on behalf of this State or any of its political subdivisions. ~~{A sheriff is not liable for any acts of a bail enforcement agent unless the sheriff acts with gross negligence in accepting custody of the defendant and failing to require a certified copy of the bail bond.}~~

Sec. 38. NRS 697.330 is hereby amended to read as follows:

697.330 ~~{If a bail agent or bail solicitor, without good cause, surrenders a defendant to custody before the time specified in the undertaking of bail or the bail bond for the appearance of the defendant, or before any other occasion where the presence of the defendant in court is lawfully required, the premium is returnable in full.}~~

1. ~~{A surety insurer or bail agent in possession of the written authorization of the surety insurer to apprehend and surrender a defendant may authorize a~~

~~bail enforcement agent to apprehend and lawfully surrender the defendant after an order of forfeiture has been prepared and signed by the court but before the court has entered a judgment of default on the order of forfeiture. The surety insurer or bail agent in possession of the written authorization of the surety insurer who authorizes the apprehension and surrender of a defendant pursuant to this subsection must file with the Division the written authorization of the surety insurer attached to a certified copy of the order of forfeiture issued by the court.~~

~~2.~~ If a defendant is apprehended or surrendered to a court without written authorization or good cause, the bail transaction is deemed to be cancelled and the premium and any associated collateral must be returned in full.

~~3.~~ 2. A surety insurer or bail agent on whose authorization a bail enforcement agent apprehends and surrenders a defendant is liable for any act or omission of the bail enforcement agent in apprehending and surrendering the defendant.

Sec. 39. NRS 697.340 is hereby amended to read as follows:

697.340 1. A bail agent, general agent or bail solicitor shall not:

(a) Suggest or advise the employment of or name for employment any particular attorney to represent his or her principal.

(b) Solicit business in or about any place where prisoners are confined or in or about any court.

(c) Pay a fee or rebate or give or promise anything of value to any person in order to secure a settlement, compromise, remission or reduction of the amount of any undertaking or bail bond.

(d) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services *not related to a defendant and* actually rendered.

(e) Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf.

(f) Participate ~~[in the capacity of]~~ as an attorney at a trial or hearing of a ~~[person on]~~ defendant whose bail bond ~~[the]~~ is executed by a bail agent ~~[general agent or bail solicitor is surety,]~~ or on behalf of a surety insurer with whom the bail agent, general agent or bail solicitor is associated, except for the purposes of surrendering the defendant, making motions to set aside orders of bail forfeitures and motions to exonerate bails and protecting his or her financial interest in ~~[such]~~ a bond.

(g) Allow an attorney or paralegal to advertise his or her services through the bail agent, general agent or bail solicitor or through his or her place of business.

(h) Pay any referral fee or commission to a person not licensed pursuant to this chapter.

(i) Use any form or preprinted agreement that has not been approved for use by the Commissioner pursuant to NRS 697.130.

(j) ~~[Use]~~ Except as authorized by this chapter, use any form or document, including, without limitation, an agreement, power of attorney, authorization,

waiver or promissory note, that gives a bail agent, bail enforcement agent, bail solicitor or general agent authority over a person's finances, ~~except as authorized by this chapter,~~ real property, personal property or other assets, or that otherwise creates a conflict of interest with the licensee's fiduciary obligation to the defendant or indemnitor of the bail transaction.

(k) Initiate contact with, or otherwise solicit business from, any relative or friend of a person who is in jail or by using an arrest list.

(l) Seek or accept a charge for renewal of a bail bond that has already been executed.

(m) Finance or charge a fee or interest for the one-time charge of 15 percent of the amount of the bail bond or \$50, whichever is greater, pursuant to paragraph (a) of subsection 1 of NRS 697.300.

2. The following persons may not be bail agents, bail enforcement agents, ~~for~~ bail solicitors or general agents and shall not, directly or indirectly, receive any benefits from the execution of any bail bond:

- (a) Jailers;
- (b) Police officers;
- (c) Justices of the peace;
- (d) Municipal judges;
- (e) Sheriffs, deputy sheriffs and constables;
- (f) Any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners; and
- (g) Trustees or prisoners incarcerated in any jail, prison or any other place used for the incarceration of persons.

3. *Only a bail agent appointed by a surety insurer may sign a bail bond on behalf of the surety insurer. A bail bond may be signed only at the time the bail bond is executed.* A bail agent shall not sign ~~for countersign~~ in blank any bail bond, or ~~give~~ assign the power of attorney issued by the surety insurer to ~~the bail agent~~, or otherwise authorize ~~anyone to countersign~~ sign the name of the bail agent to bail bonds. ~~[unless the person so authorized is a licensed agent directly employed by the agent giving the power of attorney.]~~

4. A bail agent, bail enforcement agent, bail solicitor or general agent shall not advertise or hold himself or herself out to be a surety ~~insurance company~~ insurer.

5. A bail agent, bail solicitor or general agent shall not participate in the apprehension or surrender of a defendant other than to execute any required forms and documents related to the apprehension and surrender of the defendant.

6. A bail agent must execute the bail bond with the court or governmental agency within 3 business days after a bail transaction is executed with the indemnitor.

Sec. 40. NRS 697.350 is hereby amended to read as follows:

697.350 A bail agent shall justify the suretyship of the bail agent by attaching a copy of the power of attorney issued to the bail agent by the surety

insurer to each *bail bond*. ~~[A bail agent executing a bail bond is acting on behalf of the surety insurer in a bail transaction at all times.]~~

Sec. 41. NRS 697.360 is hereby amended to read as follows:

697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:

1. Chapter 679A of NRS.
2. Chapter 679B of NRS.
3. NRS 683A.261.
4. NRS 683A.301.
5. ~~[4. NRS 683A.311.~~
- ~~6. 5.]~~ NRS 683A.331.
- ~~[7.]~~ 6. NRS 683A.341.
- ~~[8.]~~ 7. NRS 683A.361.
- ~~[9.]~~ 8. NRS 683A.400.
- ~~[10.]~~ 9. NRS 683A.451.
- ~~[11.]~~ 10. NRS 683A.461.
- ~~[12.]~~ 11. NRS 683A.480.
- ~~[13.]~~ 12. NRS 683A.500.
- ~~[14.]~~ 13. NRS 683A.520.
- ~~[15. 13.]~~ 14. NRS 686A.010 to 686A.310, inclusive.
- ~~[14.]~~ 15. NRS 686A.330 to 686A.520, inclusive.
- ~~[15. NRS 687B.130.~~
- ~~16. NRS 687B.140.]~~

Sec. 42. NRS 697.370 is hereby amended to read as follows:

697.370 1. *The Commissioner may take administrative action for a violation of any provision of this chapter and any regulations adopted pursuant thereto, including, without limitation, placing a licensee on probation, suspending or revoking a license, ~~and~~ imposing an administrative fine ~~of not more than \$10,000 for each violation and ordering restitution for any money or property improperly received, obtained or held as a result of such a violation.~~*

2. The Commissioner may inform the appropriate district attorney of any violation of any provision of this chapter.

~~[2.]~~ 3. In addition to any other penalty provided in this chapter any person violating any provision of this chapter is guilty of a misdemeanor.

4. A person aggrieved by any act of the Commissioner may request a hearing pursuant to NRS 679B.310.

Sec. 42.5. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

A bail agent shall not act as an attorney-in-fact for a surety insurer, as defined in section 7 of this act, on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the bail agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the

appointment of the bail agent by power of attorney from each surety insurer, as defined in section 7 of this act, which the bail agent represents as bail agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the bail agent is licensed by the Commissioner.

Sec. 43. NRS 178.504 is hereby amended to read as follows:

178.504 1. Every surety ~~except a [corporate surety which is approved insurer,]~~ surety insurer as [provided by law,] defined in section 7 of this act, shall justify by affidavit and may be required to describe in the affidavit:

(a) The property by which the surety ~~[insurer]~~ proposes to justify and the encumbrances thereon;

(b) The number and amount of other bonds and undertakings for bail entered into by the surety ~~[insurer]~~ and remaining undischarged; and

(c) All other liabilities.

2. No bail bond shall be approved unless the surety ~~[insurer]~~ thereon appears to be qualified.

3. A [corporate] surety [that is authorized to transact insurance in this State pursuant to chapter 680A of NRS] insurer, as defined in section 7 of this act, is a sufficient surety for all courts and shall be deemed to be qualified for purposes of this section.

Sec. 44. NRS 178.526 is hereby amended to read as follows:

178.526 1. For the purpose of surrendering a defendant, a surety ~~[,]~~ insurer ~~or~~ bail agent, at any time before the surety insurer is finally discharged, and at any place within this State, may, by ~~[-]~~:

~~—(a) Written~~ written authorization for the ~~[arrest]~~ apprehension of the defendant ~~indicating [good cause]~~ the reason for apprehension attached to a copy of the ~~[undertaking; or~~

~~—(b) A written authority endorsed on a certified copy of the undertaking,~~
~~→] bail bond,~~ cause the defendant to be ~~[arrested]~~ apprehended by a ~~[bail agent or]~~ bail enforcement agent who is licensed pursuant to chapter 697 of NRS.

2. A bail ~~[agent or bail]~~ enforcement agent who ~~[arrests]~~ apprehends a defendant in this State or any other jurisdiction is not acting for or on behalf of this State or any of its political subdivisions.

Sec. 45. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156,

176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,

688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 697.250, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 45.5. NRS 697.270 is hereby repealed.

Sec. 46. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

TEXT OF REPEALED SECTION

697.270 Registration of bail agents. A bail agent shall not act as an attorney-in-fact for an insurer on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment

of the bail agent by power of attorney from each insurer which the bail agent represents as agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the agent is licensed by the Commissioner.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 369 makes five changes to Senate Bill No. 18. The amendment deletes provisions establishing procedures for a claim by a person against the licensing bond required to be filed by a bail agent, bail enforcement agent, bail solicitor or general agent. It also revises provisions required, filed by applicants for certain license. Deletes the requirement a licensee must inform the Commissioner of Insurance of each change of his or her business or residence address. Authorizes the Commissioner to adopt regulations relating to the bail industry; and prohibits a licensee from charging for any service except as provided for in section 34 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 65.

Bill read second time.

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

Amendment No. 560.

SUMMARY—Revises provisions related to the filing by certain electric utilities of an integrated resource plan. (BDR 58-167)

AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to require certain utilities which supply electricity in this State to provide an overview of the utility's resource plan or any amendment to the resource plan at least 4 months before filing the plan or within a reasonable period before filing the amendment; requiring the Commission to give preference to certain measures and sources of supply when determining the adequacy of a resource plan; requiring the Commission to consider the cost of such measures and sources of supply to the utility's customers when making such a determination; requiring the Commission to include its justification for not giving preference to such measures and sources of supply in certain orders approving or modifying a resource plan or an amendment to such a plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing public hearings on the adequacy of a utility's plan to increase its supply of electricity or decrease the demands made on its system. Existing law also authorizes the Commission, in determining the adequacy of a utility's plan, to give preference to the measures and sources of supply that meet certain criteria, including providing the greatest economic and environmental benefits to the State and providing the greatest opportunity for the creation of new jobs in this State. (NRS 704.746)

Section 1 of this bill requires the Public Utilities Commission of Nevada to require a utility which supplies electricity in this State to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons at least 4 months before filing a resource plan or within a reasonable period before filing an amendment to an existing plan to provide an overview of the plan or amendment.

Section 6 of this bill requires the Commission to give preference to those measures and sources of supply that provide the greatest economic and environmental benefits to the State, as well as those that provide for diverse electricity supply portfolios and which reduce customer exposure to price volatility of fossil fuels and the potential costs of carbon. Under section 6, in determining the preference given to such measures and sources of supply, the Commission is required to consider the cost of those measures and sources of supply to the customers of the electric utility. Section 6.5 of this bill requires any order of the Commission accepting or modifying a utility's plan or an amendment to such plan that does not give preference to those measures and sources of supply to include the Commission's justification for not giving preference to those measures and sources of supply.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

The Commission shall require each utility which supplies electricity in this State, not less than 4 months before filing a plan required pursuant to NRS 704.741, or within a reasonable period before filing an amendment to such a plan pursuant to NRS 704.751, to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

Sec. 2. NRS 704.032 is hereby amended to read as follows:

704.032 The Office of Economic Development may participate in proceedings before the Public Utilities Commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053. The Office of Economic Development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.754, inclusive, and section 1 of this act or 704.991.

Sec. 3. NRS 704.635 is hereby amended to read as follows:

704.635 When a complaint has been filed with the Commission alleging that a person is providing a service which requires a certificate of public convenience and necessity, or when the Commission has reason to believe that any provision of NRS 704.005 to 704.754, inclusive, and section 1 of this act or 704.9901 is being violated, the Commission shall investigate the operation and may, after a hearing, issue an order requiring that the person cease and

desist from any operation in violation of NRS 704.005 to 704.754, inclusive, *and section 1 of this act* or 704.9901. The Commission shall enforce the order under the powers vested in the Commission by NRS 704.005 to 704.754, inclusive, *and section 1 of this act* or 704.9901 or other law.

Sec. 4. NRS 704.640 is hereby amended to read as follows:

704.640 Except as otherwise provided in NRS 704.6881 to 704.6884, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.754, inclusive, *and section 1 of this act*, 704.9901 and 704.993 to 704.999, inclusive, apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.754, inclusive, *and section 1 of this act*, 704.9901 and 704.993 to 704.999, inclusive, or by the Commission pursuant to NRS 704.005 to 704.754, inclusive, *and section 1 of this act*, 704.9901 and 704.993 to 704.999, inclusive;

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.754, inclusive, *and section 1 of this act*, 704.9901 and 704.993 to 704.999, inclusive;

4. Fails to obey any order, decision or regulation of the Commission;

5. Procures, aids or abets any person in the failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself, herself or itself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.754, inclusive, *and section 1 of this act*, 704.9901 and 704.993 to 704.999, inclusive,

↪ shall be fined not more than \$500.

Sec. 5. NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, *and section 1 of this act* is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of \$2,500,000 or more.

Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission ~~may~~ shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable; ~~and~~

(d) Provide the greatest opportunity for the creation of new jobs in this State ~~[-]; and~~

(e) *Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.*

➡ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

- (a) The cost to the customers of the electric utility to implement the plan;
- (b) Whether the plan provides the greatest economic benefit to this State;
- (c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and
- (d) Whether the plan represents the best value to the customers of the electric utility.

Sec. 6.5. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

- (a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and
- (b) Within 180 days for all portions of the plan not described in paragraph (a).

➡ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

- (a) Within 135 days after the filing of the amendment; or
- (b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➡ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan that does not give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746 must include the justification of

the Commission for not giving preference to those measures and sources of supply.

4. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

~~{4.}~~ 5. The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

~~{5.}~~ 6. The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

~~{6.}~~ 7. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

Sec. 7. Notwithstanding the provisions of section 1 of this act, the 4-month period described in that section does not apply to a utility which supplies electricity in this State which is required to file a plan pursuant to NRS 704.741 on or before the date that is 4 months after the effective date of this act. The Public Utilities Commission of Nevada shall require such a utility to conduct the meeting required by section 1 of this act within a reasonable period before the date on which the utility is required to file the plan pursuant to NRS 704.741.

Sec. 8. This act becomes effective upon passage and approval.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 560 makes two changes to Senate Bill No. 65. The amendment requires the Public Utilities Commission of Nevada (PUCN) to consider the cost of the measures and sources of supply to the customers of the utility when determining the adequacy of a resource plan and requires the PUCN in its order accepting or modifying a resource plan or plan amendment to provide justification for its determination that no preference should be given to those measures or sources of supply.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 150.

Bill read second time.

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

Amendment No. 255.

SUMMARY—Revises provisions related to energy efficiency programs. (BDR 58-568)

AN ACT relating to energy efficiency programs; requiring the Public Utilities Commission of Nevada to establish for each electric utility ~~and each provider of electric service~~ in this State annual goals for energy savings resulting from the implementation of energy efficiency programs; requiring each electric utility ~~and provider of electric service~~ to implement an energy efficiency plan designed to be cost effective and to meet the annual goals for energy savings established by the Commission; ~~requiring the Commission to establish performance based incentives which an electric utility or provider of electric service is entitled to recover if the electric utility or provider of electric service meets or exceeds the annual goals for energy savings established by the Commission; authorizing the recovery of performance based incentives through a rate recovery mechanism approved by the Commission; requiring the Commission to measure the cost effectiveness of energy efficiency programs through application of the utility cost test;~~ revising certain provisions relating to the recovery of costs based on the implementation by an electric utility of energy efficiency and conservation programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-11 of this bill require the Public Utilities Commission of Nevada to establish annual goals for energy savings applicable to electric utilities ~~and providers of electric service~~ in this State. ~~and to establish performance based incentives which an electric utility or provider of electric service is entitled to recover if the electric utility or provider of electric service meets or exceeds the annual goals for energy savings established by the Commission.~~

Section 9 sets forth certain Legislative findings of the necessity for and the benefits relative to the conservation of energy and the reduction of the consumption of energy by consumers in this State.

Section 10 requires the Commission to establish goals for energy savings for each electric utility for each calendar year. ~~for the period beginning with calendar year 2018 and ending with calendar year 2025.~~ Section 10 also requires each electric utility ~~and provider of electric service~~ to implement an energy efficiency plan which is cost effective ~~as measured by the utility cost test,~~ and designed to meet the goals for energy savings established by the Commission. Section 10 further requires that at least 5 percent of the expenditures related to energy efficiency programs must be directed toward low-income customers of the electric utility. ~~for provider of electric service. Additionally, section 10 provides that energy savings which exceed the annual goal for an electric utility or provider of electric service may be banked or traded for use in subsequent calendar years.~~

~~Section 11 requires the Commission to establish performance based incentives which may be recovered by an electric utility or provider of electric service that meets or exceeds its annual goal for energy savings. Section 11 requires each electric utility and provider of electric service to submit annually~~

~~a report to the Commission which includes: (1) information regarding whether the electric utility or provider of electric service is entitled to a performance based incentive for the relevant calendar year; and (2) a request to recover any performance based incentive to which the electric utility or provider of electric service is entitled. Section 11 also provides that, if the Commission approves a request to recover a performance based incentive, the electric utility or provider of electric service must recover the performance based incentive over a 12 month period through a rate recovery mechanism approved by the Commission.]~~

Section 12 of this bill revises existing law relating to the recovery of costs based on the implementation by an electric utility of energy efficiency and conservation programs to authorize the Commission to remove financial disincentives which discourage an electric utility from implementing or promoting participation in such programs by including a rate adjustment mechanism to ensure that the revenue per customer authorized in a general rate application is recovered without regard to the difference in the quantity of electricity actually sold by the electric utility.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Cost effective" means that an energy efficiency plan ~~for energy efficiency program~~ has a benefit-cost ratio of 1.0 or greater as measured by the ~~utility cost test~~, the cost-effectiveness test selected by the Commission, which test must account for the nonenergy benefits of the energy efficiency plan.*

Sec. 4. *"Electric utility" has the meaning ascribed to it in NRS 704.187.*

Sec. 5. 1. *"Energy efficiency program" means a program designed, intended or used to improve energy efficiency by reducing the energy consumption by a retail customer of an electric utility, ~~for provider of electric service~~.*

2. *The term includes, without limitation, a demand-side response program or load-limiting program that shifts the consumption of energy by a retail customer from one period to another period.*

3. *The term does not include the implementation or assessment of any rate which is based on the time of day, day of the week or time of year during which electricity is used or which otherwise varies based upon the time during which the electricity is used.*

Sec. 6. *"Energy savings" means the gross energy savings resulting from energy efficiency measures adopted through the implementation of an energy efficiency program, but does not include net energy savings resulting from energy efficiency measures adopted by retail customers of the electric utility*

~~[for provider of electric service]~~ which are not attributable to participation in an energy efficiency program.

Sec. 7. ~~["Provider of electric service" means a cooperative association, nonprofit corporation, nonprofit association or other provider of electric service that is declared to be a public utility pursuant to NRS 704.673 and which provides electric service only to its members.]~~ (Deleted by amendment.)

Sec. 8. ~~["Utility cost test" means the measurement of the cost effectiveness of an energy efficiency plan or energy efficiency program that compares the monetary costs that are borne by an electric utility or provider of electric service and that are incurred to develop, acquire and operate an energy efficiency program on a life cycle basis to the avoided monetary costs associated with developing, acquiring and operating resources to supply electricity in the absence of the energy efficiency program.]~~ (Deleted by amendment.)

Sec. 9. The Legislature hereby finds and declares that:

1. ~~[Promoting energy savings through energy efficiency programs is the fastest, most reliable and often least expensive way to meet the energy needs of the residents.]~~ Energy is essential to the economy of this State and to the health, safety and welfare of the residents of this State.

2. The State has a responsibility to encourage the maintenance of a reliable and economical supply of energy at a level which is consistent with the protection of the quality of the environment of this State.

3. The State and the public have an interest in encouraging electric utilities ~~[and providers of electric service]~~ to promote and take actions toward the conservation of energy and the reduction of the consumption of energy by consumers in this State.

~~[3.]~~ 4. The State has a responsibility to encourage the development of a wide range of standards, goals and programs to reduce energy waste by consumers in this State.

~~[4.]~~ 5. Planning for energy conservation and the future energy needs of this State should include consideration of state, regional and local plans for land use, urban expansion, transportation systems, environmental protection and economic development.

6. It is in the interest of this State and the residents of this State that the energy efficiency plans and programs of electric utilities should maximize the implementation of cost-effective, achievable energy efficiency opportunities.

7. The reduction of the consumption of energy by consumers in this State conserves water, reduces carbon dioxide and other emissions and is essential to the economy of this State and to the health, safety and welfare of the residents of this State.

~~[5. The application of the utility cost test as a measure of the cost effectiveness of energy efficiency programs ensures balance in consideration of supply side resources and demand side resources and of approaches to energy efficiency that are more flexible and fair.]~~

Sec. 10. 1. The Commission shall establish by regulation for each electric utility ~~and provider of electric service~~ goals for energy savings resulting from energy efficiency programs implemented by the electric utility ~~for provider of electric service~~ each year ~~[. Except as otherwise provided in subsection 2, the goals for energy savings for each electric utility or provider of electric service must be:~~

~~—(a) For calendar year 2018, equal to 1.0 percent of retail electricity sales in the base year.~~

~~—(b) For calendar year 2019, equal to 1.2 percent of retail electricity sales in the base year.~~

~~—(c) For calendar year 2020, equal to 1.4 percent of retail electricity sales in the base year.~~

~~—(d) For calendar years 2021, 2022, 2023, 2024 and 2025, equal to 1.5 percent of retail electricity sales in the base year.~~

~~2. The Commission may establish a goal for energy savings for a calendar year that is greater than the amount specified in subsection 1 if the Commission determines that a greater goal is technically feasible, achievable and cost effective for retail customers of the electric utility or provider of electric service as a whole.~~

~~3.] , which must be included in the resource plan filed by the electric utility pursuant to NRS 704.741.~~

2. The Commission may ~~modify~~ :

(a) Modify a goal for energy savings it has previously established for an electric utility ~~for provider of electric service~~, except that the goal for energy savings for any calendar year must not be less than the goal for energy savings ~~for the applicable year described in subsection 1.~~

~~4.] (b)~~ Upon receipt of a petition submitted by an electric utility, temporarily lower a goal for energy savings it has previously established for the electric utility if the electric utility demonstrates that economic reasons which are not reasonably within the control of the electric utility will prevent the electric utility from meeting the goal for energy savings established pursuant to subsection 1.

3. Upon establishment or modification by the Commission of a goal for energy savings for an electric utility ~~for provider of electric service~~ pursuant to this section, the affected electric utility ~~for provider of electric service~~ may file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate the goal for energy savings into the resource plan.

~~[5.]~~ 4. Each electric utility ~~and provider of electric service~~ shall develop and include in its most recent resource plan filed pursuant to NRS 704.741 an energy efficiency plan that:

(a) Is designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section;

(b) Includes one or more energy efficiency programs; and

(c) Is cost effective.

~~{6.}~~ 5. In approving an energy efficiency plan developed by an electric utility ~~for provider of electric service,~~ to meet the goals for energy savings established by the Commission pursuant to this section, the Commission shall approve an energy efficiency plan that is:

(a) Designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section; and

(b) Cost effective.

~~{7.}~~ 6. The Commission may approve an energy efficiency plan submitted pursuant to NRS 704.741 that consists of energy efficiency and conservation programs that are not cost effective if the Commission determines that the energy efficiency plan as a whole is cost effective.

7. Unless the Commission determines that it is not cost effective, any energy efficiency plan approved by the Commission must provide that not less than 5 percent of the total expenditures related to energy efficiency programs must be directed to energy efficiency programs for low-income customers of the electric utility ~~for provider of electric service.~~ ~~In developing the utility cost test for the purpose of measuring the cost effectiveness of energy efficiency programs directed to low-income customers, the Commission shall quantify or assign a reasonable value to reductions in working capital, reduced collection costs, lower bad debt expense, improved effectiveness of customer service and any other appropriate factors as utility system economic benefits.~~

~~8.~~ ~~An electric utility or provider of electric service may bank or trade energy savings credits obtained by exceeding in any calendar year the goals for energy savings established by the Commission pursuant to this section. Energy savings credits that are banked or traded may be used to meet the goal for energy savings in any calendar year subsequent to the year in which the energy savings credits are earned.~~

~~9.~~ ~~As used in this section, "base year" means calendar year 2016 unless the Commission determines that the selection of a later year is more appropriate.~~

Sec. 11. ~~{1.~~ ~~For each electric utility and provider of electric service, the Commission shall establish by regulation performance based incentives which the electric utility or provider of electric service is authorized to recover if the electric utility or provider of electric service meets or exceeds the goals for energy savings established by the Commission pursuant to section 10 of this act.~~

~~2.~~ ~~For each electric utility or provider of electric service, the performance based incentive must be equal to a percentage of the total expenditures by the electric utility or provider of electric service each year on energy efficiency programs which are cost effective, and dependent upon a determination by the Commission of the level of energy savings achieved by the electric utility or provider of electric service, including, without limitation, through the use of energy savings credits which are banked or traded pursuant to subsection 8 of section 10 of this act, relative to the goal for energy savings for the electric utility or provider of electric service established by the~~

~~Commission pursuant to section 10 of this act for that year. The performance based incentives established by the Commission pursuant to this section must be equal to:~~

~~—(a) Five percent of the total annual expenditures by the electric utility or provider of electric service on energy efficiency programs which are cost effective, if the Commission determines that the energy savings in that year are equal to or greater than 100 percent but less than 120 percent of the goal for energy savings of the electric utility or provider of electric service for that year.~~

~~—(b) Six percent of the total annual expenditures by the electric utility or provider of electric service on energy efficiency programs which are cost effective, if the Commission determines that the energy savings in that year are equal to or greater than 120 percent but less than 140 percent of the goal for energy savings of the electric utility or provider of electric service for that year.~~

~~—(c) Seven percent of the total annual expenditures by the electric utility or provider of electric service on energy efficiency programs which are cost effective, if the Commission determines that the energy savings in that year are equal to or greater than 140 percent but less than 160 percent of the goal for energy savings of the electric utility or provider of electric service for that year.~~

~~—(d) Eight percent of the total annual expenditures by the electric utility or provider of electric service on energy efficiency programs which are cost effective, if the Commission determines that the energy savings in that year are equal to or greater than 160 percent but less than 180 percent of the goal for energy savings of the electric utility or provider of electric service for that year.~~

~~—(e) Nine percent of the total annual expenditures by the electric utility or provider of electric service on energy efficiency programs which are cost effective, if the Commission determines that the energy savings in that year are equal to or greater than 180 percent but less than 200 percent of the goal for energy savings of the electric utility or provider of electric service for that year.~~

~~—(f) Ten percent of the total annual expenditures by the electric utility or provider of electric service on energy efficiency programs which are cost effective, if the Commission determines that the energy savings in that year are equal to or greater than 200 percent of the goal for energy savings of the electric utility or provider of electric service for that year.~~

~~—3. In any year in which an electric utility or provider of electric service does not meet or exceed its goal for energy savings established by the Commission pursuant to section 10 of this act, including, without limitation, through the use of energy savings credits which are banked or traded pursuant to subsection 8 of section 10 of this act, the electric utility or provider of electric service is not eligible to receive a performance based incentive pursuant to this section.~~

~~4. The Commission shall not establish or impose any penalty for an electric utility or provider of electric service that fails to meet the goals for energy savings established by the Commission pursuant to section 10 of this act.~~

~~5. Each electric utility and provider of electric service shall annually submit to the Commission a report:~~

~~(a) Stating whether the electric utility or provider of electric service is entitled to receive a performance based incentive pursuant to this section;~~

~~(b) If the electric utility or provider of electric service is entitled to receive a performance based incentive pursuant to this section, stating the amount of the incentive; and~~

~~(c) If the electric utility or provider of electric service is entitled to receive a performance based incentive pursuant to this section, which includes a request to recover the amount of the performance based incentive.~~

~~6. If, after review of the annual report submitted by an electric utility or provider of electric service pursuant to subsection 5, the Commission approves a request to recover a performance based incentive, the electric utility or provider of electric service must collect the amount of the performance based incentive over a 12-month period through a cost recovery mechanism approved by the Commission for energy efficiency and conservation programs.~~ (Deleted by amendment.)

Sec. 12. NRS 704.785 is hereby amended to read as follows:

704.785 1. The Commission shall adopt regulations authorizing an electric utility to recover an amount based on the measurable and verifiable effects of the implementation by the electric utility of energy efficiency and conservation programs approved by the Commission, which:

(a) Must include:

(1) The costs reasonably incurred by the electric utility in implementing and administering the energy efficiency and conservation programs; and

(2) Any financial disincentives relating to other supply alternatives caused or created by the reasonable implementation of the energy efficiency and conservation programs; and

(b) May ~~[include any financial incentives to support the promotion of]~~, if the Commission determines that it will serve the public interest by removing financial disincentives which discourage an electric utility from implementing or promoting the participation of the customers of the electric utility in ~~[the]~~ energy efficiency and conservation programs ~~[]~~, include a rate adjustment mechanism to ensure that the revenue per customer authorized in a general rate application is recovered without regard to the difference in the quantity of electricity actually sold by the electric utility subsequent to the date on which the rates take effect. A rate adjustment mechanism adopted pursuant to this paragraph may apply to one or more rate classes.

2. When considering whether to approve an energy efficiency or conservation program proposed by an electric utility as part of a plan filed pursuant to NRS 704.741, the Commission shall consider the effect of any

recovery by the electric utility pursuant to this section on the rates of the customers of the electric utility.

3. ~~[The regulations adopted pursuant to this section must not:~~
~~—(a) Affect the electric utility's incentives and allowed returns in areas not affected by the implementation of energy efficiency and conservation programs; or~~
~~—(b) Authorize the electric utility to earn more than the rate of return authorized by the Commission in the most recently completed rate case of the electric utility.~~

~~—4.]~~ As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 13. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 255 makes five changes to Senate Bill No. 150. The amendment deletes the requirement that only the utility cost test be used to determine cost effectiveness, and requires the Public Utilities Commission of Nevada (PUCN) to account of non-energy benefits of energy efficiency programs and plans. It clarifies the Legislative Findings and Declarations. Deletes providers of electric services from the requirements of this bill. Requires the PUCN to set energy savings goal for the utilities and requires the utility to develop an energy efficiency plan that is designed to meet or exceed the goals set by the PUCN and is cost effective; and deletes provisions regarding the payment of incentives to the utility for meeting energy efficiency goals.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 495.

SUMMARY—Revises provisions relating to instruction in computer education and technology. (BDR 34-266)

AN ACT relating to education; requiring certain pupils to receive instruction in computer education and technology; authorizing a pupil to apply credit received for certain courses in computer science to fulfill requirements for graduation from high school, admission to college and eligibility for the Millennium Scholarship; requiring a school district or charter school to provide professional development concerning computer science and computer education and technology; requiring the Advisory Council on Science, Technology, Engineering and Mathematics to appoint a subcommittee on computer science to make recommendations concerning instruction in computer education and technology; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires computer education and technology to be taught in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children. (NRS 389.018) The Council to Establish Academic Standards for Public Schools is required to establish standards of content and performance for computer education and technology. (NRS 389.520) Section 2 of this bill requires that a course in computer science approved by the State Board of Education be made available to pupils at each public high school, each charter school that operates as a high school and each university school for profoundly gifted pupils. Section 3 of this bill requires each pupil who is enrolled in a public school or any state facility for the detention of children to receive instruction in computer education and technology that is approved by the State Board before beginning sixth grade. Section 3 also provides that if the State Board prescribes a course in computer education and technology for pupils in high school, ~~at least 50 percent~~ the State Board is required to prescribe the amount of the instructional time for the course that must be dedicated to computer science and computational thinking. Sections 4.5 and 8.3 of this bill require the Department of Education to review all courses in computer science and instruction in computer education and technology and make recommendations to the State Board concerning whether to approve the course or instruction. Section 5 of this bill requires that the standards of content and performance established by the Council for computer education and technology include standards for computer science and computational thinking.

Existing law requires a pupil in a public high school to enroll in at least four units of credit in mathematics and three units of credit in science. (NRS 389.018) Section 4 of this bill allows a pupil to apply not more than one unit of credit received for completing certain courses in computer science toward the total number of credits required in mathematics or science for graduation from high school. Sections 6 and 7 of this bill provide that if the Board of Regents of the Nevada System of Higher Education requires a student to successfully complete a course in mathematics or science to be admitted to any institution in the System or to be eligible for the Millennium Scholarship, the student may apply not more than one unit of credit received for completing certain courses in computer science toward those requirements.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that the teachers and administrators of the school district or charter school have access to professional development training concerning the curriculum and instruction required for courses of study in science, technology, engineering and mathematics. (NRS 391A.370) Section 5.5 of this bill requires that professional development training to include, to the extent applicable, training in computer science and computer education and technology.

Existing law establishes the Advisory Council on Science, Technology, Engineering and Mathematics. (NRS 223.640) Section 8 of this bill requires

the Advisory Council to appoint a subcommittee on computer science to make recommendations concerning instruction in computer education and technology.

Section 8.5 of this bill makes appropriations to: (1) the Clark and Washoe County School Districts for the purpose of carrying out the requirements of this bill; and (2) the Department to award noncompetitive grants to other school districts and charter schools for the purpose of carrying out the requirements of this bill.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3 and 4~~ to 4.5, inclusive, of this act.

Sec. 2. *The board of trustees of each school district, the governing body of each charter school that operates as a high school and the governing body of each university school for profoundly gifted pupils shall:*

1. *Ensure that a course in computer science that has been approved by the State Board is made available to pupils enrolled in each public high school within the school district or in the charter school or university school for profoundly gifted pupils, as applicable. The course may be a course of distance education that is approved by the State Board and included on the list prepared by the Department pursuant to NRS 388.834.*

2. *Make efforts to increase the enrollment in the course of female pupils, pupils with disabilities and pupils who belong to ethnic and racial groups that are underrepresented in the field of computer science, as identified by regulation of the State Board.*

Sec. 3. 1. *Before beginning sixth grade, each pupil who is enrolled in a public school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS, including, without limitation, each pupil with a disability who is so enrolled, must receive instruction in computer education and technology ~~that~~ approved by the State Board, including, without limitation, instruction on the skills necessary to complete the criterion-referenced examinations administered pursuant to NRS 390.105.*

2. *If the State Board prescribes a course in computer education and technology pursuant to NRS 385.114 for pupils enrolled in high school, ~~for at least 50 percent of~~ the State Board shall adopt regulations prescribing the percentage of the instructional time for the course that must be dedicated to computer science and computational thinking, which may include, without limitation, instruction in logic, coding, robotics and cyber security.*

Sec. 4. 1. *Except as otherwise provided in this section, each public high school, including without limitation, a charter school, must allow a pupil enrolled in the school to receive credit towards the mathematics or science credit required for graduation from high school for successful completion of:*

(a) *An advanced placement computer science course;*

(b) A computer science course that is offered through a program of career and technical education; or

(c) A computer science course that is offered by a community college or university which has been approved pursuant to NRS 389.160.

2. A pupil:

(a) May not apply more than one unit of credit received for the completion of one or more courses described in subsection 1 toward the mathematics or science credits required for graduation from high school.

(b) Must successfully complete each mathematics or science course for which an end-of-course examination is prescribed by the State Board pursuant to NRS 390.600.

Sec. 4.5. The department, in consultation with the Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640, shall:

1. Review all instruction in computer education and technology submitted to the State Board for approval pursuant to section 3 of this act; and

2. Make recommendations to the State Board concerning whether the instruction should be approved.

Sec. 5. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 4, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology ~~[-]~~, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

5. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

6. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➡ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

8. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 5.5. NRS 391A.370 is hereby amended to read as follows:

391A.370 1. The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:

~~1.~~ (a) The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

~~2.~~ (b) The academic standards and curriculum in English language development and literacy.

~~3.~~ (c) The curriculum and instruction required for courses of study in:

~~(a)~~ (1) Science, technology, engineering and mathematics ~~1.~~

~~(b)~~ , including, without limitation and to the extent applicable, computer science and computer education and technology.

(2) English language development and literacy.

~~4.~~ (d) The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

2. Professional development training concerning the curriculum and instruction required for courses of study in computer science and computer education and technology may be provided by the school district or governing body or through an agreement with an institution of higher education, a regional training program for the professional development of teachers and administrators or the Department. If the professional development training is provided through an agreement with the Department, the professional

development training may include content contributed by a third party if the content is approved by the Department for the purpose of professional development training.

Sec. 6. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

If the Board of Regents adopts rules that require a student to successfully complete courses in mathematics or science before being admitted to an institution within the System, a student who has successfully completed one or more courses in computer science described in section 4 of this act must be allowed to apply not more than one unit of credit received for the completion of such courses toward that requirement.

Sec. 7. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and ~~{3,}~~ 4, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) Except as otherwise provided in paragraph (e), maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class;

(e) Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents that was administered to the

student while the student was enrolled as a pupil in a public or private high school in this State; and

(f) Is enrolled in at least:

- (1) Nine semester credit hours in a community college within the System;
- (2) Twelve semester credit hours in another eligible institution; or
- (3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph ~~{(e)}~~ (f) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection ~~{3.}~~ 4.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. *If the Board of Regents requires a student to successfully complete courses in mathematics or science to be eligible for a Millennium Scholarship, a student who has successfully completed one or more courses in computer science described in section 4 of this act must be allowed to apply not more*

than one unit of credit received for the completion of such courses toward that requirement.

4. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,
 ➔ to be eligible for Millennium Scholarships.

~~{4.}~~ 5. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

~~{5.}~~ 6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.

Sec. 8. NRS 223.650 is hereby amended to read as follows:

223.650 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640 shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools and institutions of higher education in this State and report the information gathered by the survey to the

State Board of Education and the Board of Regents of the University of Nevada;

(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;

(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c);

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, the Board of Regents of the University of Nevada, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature; ~~and~~

(h) Conduct surveys for and make recommendations as deemed necessary to the Office of Economic Development and the Governor's Workforce Investment Board ~~};~~ ; and

(i) Appoint a subcommittee on computer science consisting of at least three members to provide advice and recommendations to:

(1) *The State Board of Education, the Council to Establish Academic Standards for Public Schools, the boards of trustees of school districts and the governing bodies of charter schools and university schools for profoundly gifted pupils concerning the curriculum and materials for courses in computer science and computer education and technology and professional development for teachers who teach such courses; and*

(2) *The Commission on Professional Standards in Education concerning the qualifications for licensing teachers and other educational personnel who teach courses in computer science or computer education and technology.*

2. Each year the Council:

(a) Shall establish an event in southern Nevada and an event in northern Nevada to recognize pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics. The events must be held at an institution of higher education in this State.

(b) Shall establish a statewide event which must be held in Carson City to recognize not more than 15 schools in this State that have demonstrated exemplary performance in the fields of science, technology, engineering and mathematics.

(c) May accept any gifts, grants or donations from any source for use in carrying out the provisions of this subsection.

3. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

4. The State Board of Education and the Board of Regents of the University of Nevada shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to paragraphs (a), (b) and (c) of subsection 1 and the written report submitted pursuant to paragraph (g) of subsection 1. The State Board of Education shall adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 8.3. Section 4.5 of this act is hereby amended to read as follows:

Sec. 4.5. The department, in consultation with the Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640, shall:

1. Review each course in computer science submitted to the State Board for approval pursuant to section 2 of this act and all instruction in computer education and technology submitted to the State Board for approval pursuant to section 3 of this act; and
2. Make recommendations to the State Board concerning whether the course or instruction should be approved.

Sec. 8.5. 1. There is hereby appropriated from the State General Fund to the Clark County School District for the purpose of carrying out the provisions of this act, the following sums:

<u>For the Fiscal Year 2017-2018</u>	<u>\$800,000</u>
<u>For the Fiscal Year 2018-2019</u>	<u>\$800,000</u>

2. There is hereby appropriated from the State General Fund to the Washoe County School District for the purpose of carrying out the provisions of this act, the following sums:

<u>For the Fiscal Year 2017-2018</u>	<u>\$200,000</u>
<u>For the Fiscal Year 2018-2019</u>	<u>\$200,000</u>

3. There is hereby appropriated from the State General Fund to the Department of Education for the purpose of awarding grants of money to certain school districts and charter schools to carry out the provisions of this act, the following sums:

<u>For the Fiscal Year 2017-2018</u>	<u>\$400,000</u>
<u>For the Fiscal Year 2018-2019</u>	<u>\$400,000</u>

4. Grants awarded from the sum appropriated by subsection 3 must be awarded to school districts, other than the Clark County School District or Washoe County School District, and charter schools in this State through a noncompetitive application process.

5. Any balance of the sums appropriated by subsections 1, 2 and 3 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was

subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 10. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. For all other purposes:

1. This section and sections 1, 4 ~~(and 6 to 9, inclusive),~~ 6, 7, 8 and 9 of this act become effective on July 1, 2017.

2. Sections ~~2 and 5~~ 3, 4.5, 5 and 5.5 of this act become effective on July 1, 2018.

3. ~~Section~~ Sections 2 and 8.3 of this act ~~(becomes)~~ become effective on July 1, 2022.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 495 to Senate Bill No. 200 increases outreach to and participation of students with disabilities; requires the State Board of Education to determine the percentage of instructional time dedicated to computer science and computational thinking; further considers the input of the STEM Advisory Council; clarifies the membership and purpose of the Subcommittee on Computer Science; requires related professional development, and includes an appropriation of \$1.4 million in each year of the biennium for distribution to school districts and charter schools.

Amendment adopted.

Senator Denis moved that Senate Bill No. 200 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 235.

Bill read second time.

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

Amendment No. 374.

SUMMARY—Provides for the regulation of ticket sales to an athletic contest or live entertainment event in certain circumstances. (BDR 52-672)

AN ACT relating to trade practices; making certain sales of tickets a deceptive trade practice; regulating the manner in which tickets to an athletic contest or live entertainment event may be sold in certain circumstances; requiring certain disclosures to be made by resellers ~~(and ticket brokers), of tickets to an athletic contest or live entertainment event;~~ prohibiting the use of an Internet robot for certain purposes relating to ticket sales; providing ~~for a~~ penalty; ~~penalties;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a number of deceptive trade practices, including, without limitation, pyramid schemes and violations of requirements relating to charitable solicitations, sales promotions, door-to-door sales and grant writing

services. (NRS 598.110, 598.1305, 598.139, 598.2801, 598.595) Existing law authorizes the Attorney General, the Commissioner of Consumer Affairs and the Director of the Department of Business and Industry to investigate and prosecute deceptive trade practices, which may include, without limitation, criminal prosecution or the imposition of certain civil penalties. (NRS 598.0903-598.0999) Section 2 of this bill makes a knowing violation of the provisions of this bill relating to ticket sales a deceptive trade practice subject to enforcement as such. Section 18 of this bill requires the Bureau of Consumer Protection in the Office of the Attorney General to establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of this bill. Sections 19-29 of this bill make conforming changes.

Sections 9, 10 and 13 of this bill ~~{define "reseller" for}~~ limit the applicability of the provisions of this bill {relating} to ticket sales, as a person who ~~{(1)}~~ annually sells 25 or more tickets to an athletic contest or live entertainment event ~~{(1)}~~ and ~~{(2)}~~ has not been sanctioned to sell such tickets by certain authorized persons associated with the athletic contest or live entertainment event. In addition, a person who advertises or sanctions the resale of such tickets is subject to the provisions of this bill. The provisions of this bill do not, however, apply to a person who is sanctioned to sell such tickets. Section 14 of this bill requires a reseller who sells such tickets on an Internet website to ~~{make certain disclosures to a ticket purchaser before a resale is completed, including: (1) the face value of the ticket; (2) the location of any seat associated with the ticket; (3) whether the ticket is in the actual possession of the reseller at the time of purchase; and (4)}~~ inform a ticket purchaser that the reseller has not been sanctioned to resell tickets to the athletic contest or live entertainment event for which tickets are being offered by an authorized person associated with the contest or event. Section 14 also prohibits a reseller from displaying a trademarked or copyrighted Internet website address or a title, designation, image, mark or other symbol on the Internet website of the reseller without the consent of the trademark or copyright holder.

~~{Sections 12 and 13 of this bill define a "ticket broker" as a reseller who annually resells 25 or more tickets to an athletic contest or live entertainment event at a price greater than the face value of the tickets.}~~ Section 15 of this bill requires a ~~{ticket broker}~~ reseller to make certain disclosures to a ticket purchaser before completing the resale, including: (1) the ~~{face value of}~~ amount to be paid by the ticket purchaser for the ticket; (2) the location of any seat associated with the ticket; and (3) the right of the purchaser to a refund if an athletic contest or live entertainment event is cancelled and not rescheduled. Section 15 further authorizes a ~~{ticket broker}~~ reseller to only resell tickets at his or her registered office, established place of business or Internet website and prohibits a ~~{ticket broker}~~ reseller from reselling tickets to an athletic contest or live entertainment event before tickets to such contest or event are made available to the public by an authorized person associated with the contest or event. Section 15 prohibits a reseller from reselling a ticket unless

the ticket is in the actual possession of the reseller and is immediately available for delivery to the ticket purchaser. Section 15 ~~[of this bill]~~ also prohibits :
(1) a ~~[ticket broker]~~ reseller from reselling more than one copy of the same ticket; and (2) a reseller from employing any person to wait in line to purchase tickets to an athletic contest or a live entertainment event for the purpose of offering such tickets for resale. ~~[If a ticket broker maintains an Internet website, the broker is also required to make the disclosures relating to resellers which are required by section 14 of this bill.]~~

Section 16 of this bill defines "Internet robot" as a software application that attempts or completes an automated transaction on an Internet website. Section 16 prohibits the use of an Internet robot for the purposes of circumventing the ticket purchasing process on an Internet website or to disguise the identity of the ticket purchaser in order to obtain a greater quantity of tickets than authorized. Section 16 also authorizes a person injured by the use of an Internet robot in violation of these provisions to bring a civil action to seek: (1) declaratory and injunctive relief; and (2) actual damages or \$100, whichever is greater.

Section 13 of this bill exempts a person from the requirements of this bill if such a person ~~[resells less than 25 tickets per calendar year or]~~ resells tickets which were obtained for personal use. Section 17 provides that a violation of any of the provisions of this bill is a misdemeanor unless a greater penalty is otherwise provided by law. Section 17.5 provides an enhanced penalty for the sale of a ticket in violation of the provisions of this bill to an entertainment facility which is operated by a governmental entity or a public-private partnership.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *A person engages in a "deceptive trade practice" when, in the course of his or her business or occupation, he or she knowingly violates a provision of sections 3 to 18, inclusive, of this act.*

Sec. 3. *As used in sections 3 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 12, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Athletic contest" means any contest, game or other event involving the athletic or physical skills of an amateur athlete, intercollegiate athlete or professional athlete held at an entertainment facility for which a ticket is required for admission.*

Sec. 4.5. *"Athletic team" means a group of persons who compete in a contest, game or other event involving the athletic or physical skills of an amateur athlete, intercollegiate athlete or professional athlete or a person employed by such a group.*

Sec. 5. 1. "Authorized person" means a person who is responsible for directing, financing, managing, participating in, promoting, organizing, sponsoring or otherwise directly involved in the hosting, staging or presentation of an athletic contest or live entertainment event, or the affiliate or agent of any such persons.

2. The term includes, without limitation, an athletic team or a person who controls or operates an entertainment facility.

Sec. 6. "Entertainment facility" means an indoor or outdoor area, including, without limitation, an arena, auditorium, museum, racetrack or stadium in which an athletic contest or live entertainment event is staged and for which a ticket is required for admission.

Sec. 7. ~~["Face value" means the monetary value printed on a ticket by an authorized person.] (Deleted by amendment.)~~

Sec. 8. "Live entertainment event" means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person who is physically present when providing that activity to a group of patrons at an entertainment facility, including, without limitation, any lecture, exhibition of art, performance of comedy, dance, music, theater or any other entertainment event or show. The term includes, without limitation, any game, contest or event in which persons compete against each other through electronic, digital or virtual means.

Sec. 9. "Resale" or "resell" means an offer or completed transaction for the sale of a ticket to an athletic contest or a live entertainment event by a person who has not been sanctioned or otherwise authorized by an authorized person, including, without limitation, through a contract, to sell tickets for such contest or event. The term includes, without limitation, the sale of a ticket made in person or by telephone, Internet website or any other means of communication or exchange.

Sec. 10. "Reseller" means any person who is subject to the provisions of sections 3 to 18, inclusive, of this act, as determined pursuant to ~~paragraph (a) of~~ subsection 1 of section 13 of this act ~~. It, and includes a ticket broker.~~

Sec. 11. "Ticket" means a certificate, document, token, voucher or other evidence, whether physical or electronic, which ~~has a printed face value and~~ indicates that the bearer or other person who is entitled to possession of the ticket has the right or privilege of admission to an athletic contest or live entertainment event, to occupy or have access to a particular area or seat within an entertainment facility or to acquire such a right or privilege.

Sec. 12. ~~["Ticket broker" means a person who is subject to the provisions of sections 3 to 18, inclusive, of this act, as determined pursuant to paragraph (b) of subsection 1 of section 13 of this act.] (Deleted by amendment.)~~

Sec. 13. 1. ~~[Except as otherwise provided in this section, the]~~ The provisions of sections 3 to 18, inclusive, of this act apply only to a person who, during a calendar year:

(a) Purchases and then offers for resale 25 or more tickets for admission to an athletic contest or live entertainment event ~~for~~; or

(b) ~~Purchases and then offers~~ Advertises for resale 25 or more tickets for admission to an athletic contest or live entertainment event ~~for, at a price greater than the face value of the tickets, or any person who advertises~~ or sanctions such resales or acts in concert with another person who engages in such resales of tickets on a regular basis.

2. The provisions of sections 3 to 18, inclusive, of this act do not apply to:

(a) A person who resells a ticket obtained for personal use or for the use of another person who was known to the person that obtained the ticket before the purchase of such ticket.

(b) An authorized person.

Sec. 14. 1. A reseller who resells a ticket to an athletic contest or live entertainment event on an Internet website shall disclose to a ticket purchaser in a clear and conspicuous manner before completing the transaction ~~for~~

~~(a) The face value of the ticket and the location of the seat, if any, assigned by the ticket offered for resale, including, without limitation, any section, row, seat number or area within an entertainment facility which is designated on the ticket;~~

~~(b) That~~ that the reseller has not been sanctioned by an authorized person to sell tickets for the athletic contest or live entertainment event associated with the ticket offered for resale ~~for~~; and

~~(c) Whether the ticket offered for resale is in the actual possession of the reseller and is immediately available for delivery to the ticket purchaser.~~

2. The Internet website of a reseller must not display a trademarked or copyrighted URL, title, designation, image or mark or other symbol without the written consent of the trademark or copyright holder.

3. As used in this section, "URL" means the Uniform Resource Locator associated with an Internet website.

Sec. 15. 1. A ~~ticket broker~~ reseller shall:

(a) Post in a clear and conspicuous manner, at the registered office and established place of business of the ~~broker~~ reseller and on any Internet website maintained by the ~~broker~~ reseller, the terms and conditions of a resale, including, without limitation, any right of a ticket purchaser to cancel a purchase.

(b) Disclose to the ticket purchaser, before completing the resale of the ticket to the purchaser:

(1) That the ticket purchaser is entitled to a refund of any amount received from the purchaser if the athletic contest or live entertainment event associated with such ticket is cancelled and not rescheduled.

(2) The ~~face value of~~ amount to be paid by the ticket purchaser for the ticket and the location of the seat, if any, assigned by the ticket which is offered for resale, including, without limitation, any section, row, seat number or area within an entertainment facility which is designated on the ticket.

(c) Refund any amount received from a ticket purchaser if the athletic contest or live entertainment event associated with such ticket is cancelled and not rescheduled.

(d) Resell tickets only at the registered office or established place of business of the ~~broker~~ reseller or on an Internet website maintained by the ~~broker~~ reseller.

2. A ~~ticket broker~~ reseller shall not ~~resell~~ :

(a) Resell tickets to an athletic contest or live entertainment event until tickets are made available for purchase to the general public by an authorized person.

(b) Resell any ticket that is not in the actual possession of the reseller and immediately available for delivery to the ticket purchaser.

3. A ~~ticket broker~~ reseller shall not, directly or indirectly, employ any person to wait in line to purchase tickets to an athletic contest or live entertainment event for the purpose of offering such tickets for resale.

4. A reseller who resells a ticket to an athletic contest or live entertainment event shall not offer more than one copy of the same ticket for resale.

5. As used in this section, the term "established place of business" does not include a temporary location on a sidewalk, parking lot or other public area in the vicinity of an entertainment facility which is vacated by a ~~ticket broker~~ reseller after the conclusion of an athletic contest or a live entertainment event.

Sec. 16. 1. A person shall not use an Internet robot to:

(a) Circumvent any portion of the process for purchasing a ticket on an Internet website, including, without limitation, any security or identity validation measures or an access control system; or

(b) Disguise the identity of a ticket purchaser for the purpose of purchasing a number of tickets for admission to an athletic contest or live entertainment event which exceeds the maximum number of tickets allowed for purchase by an authorized person.

2. A person injured by a violation of this section may bring a civil action in a court of competent jurisdiction against the person who committed the violation to seek:

(a) Declaratory and injunctive relief.

(b) Actual damages or \$100, whichever is greater.

3. As used in this section, "Internet robot" means a software application that attempts or completes an automated transaction on an Internet website.

Sec. 17. Unless a greater penalty is provided in NRS 598.0999 ~~17~~ or section 17.5 of this act, a person who violates the provisions of sections 3 to 18, inclusive, of this act is guilty of a misdemeanor.

Sec. 17.5. 1. A person who violates the provisions of sections 3 to 18, inclusive, of this act relating to the sale of a ticket to an entertainment facility which is operated by a governmental entity or a public-private partnership is guilty of a:

(a) Gross misdemeanor, if the total value of the tickets sold in violation of sections 3 to 18, inclusive, of this act is less than \$1,000; or

(b) Category D felony and shall be punished as provided in NRS 193.130, if the total value of the tickets sold in violation of sections 3 to 18, inclusive, of this act is \$1,000 or more.

2. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Public-private partnership" means a contract entered into by a person and a governmental entity for the support of an entertainment facility.

Sec. 18. ~~[A person may file a complaint with the Attorney General, the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry relating to a suspected violation of sections 3 to 18, inclusive, of this act.] The Bureau of Consumer Protection in the Office of the Attorney General shall establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of sections 3 to 18, inclusive, of this act.~~

Sec. 19. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 20. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, *and section 2 of this act* are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 21. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act* do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act* do not apply to the use by a person of any service mark, trademark,

certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and section 2 of this act*.

Sec. 22. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and section 2 of this act*. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 23. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and section 2 of this act*. Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act* to particular persons or circumstances.

2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.

Sec. 24. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable

cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~to~~, *and section 2 of this act*;

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of \$1,000 or treble the amount of restitution ordered, whichever is greater.

➤ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person

resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Director or his or her designee are supported by the weight of the evidence,

➡ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 25. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 26. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 27. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~to~~, *and section 2 of this act*.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

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

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

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

↪ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 28. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the

action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 29. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

- (a) An unlawful act as defined in NRS 119.330;
- (b) An unlawful act as defined in NRS 205.2747;
- (c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
- (d) An act prohibited by NRS 482.351; or
- (e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[-]~~, and section 2 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

- (a) Any damages that the claimant has sustained;
- (b) Any equitable relief that the court deems appropriate; and
- (c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 374 makes five changes to Senate Bill No. 235. The amendment provides that a person who sells a ticket to an entertainment facility that is operated by a governmental entity or public-private partnership and violates the provisions of this bill is guilty of a gross misdemeanor or a category D felony depending on the circumstances. It also replaces "face value" with "cost" throughout the bill; limits the applicability of the bill to a person who annually sells 25 or more tickets to an athletic contest or live entertainment event and has not been sanctioned to sell such tickets; requires a reseller to have actual possession of the ticket and it is immediately available for delivery to the purchaser; requires the Bureau of Consumer Protection in the Office of the Attorney General to establish a toll-free statewide hotline and an Internet website to allow persons to file complaints related to suspected violations of this bill.

Amendment adopted.

Senator Atkinson moved that Senate Bill No. 235 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 270.

SUMMARY—Requires a license or permit issued by a local government to operate certain businesses in which the use of marijuana is allowed or to allow the use of marijuana at certain events. (BDR 20-43)

AN ACT relating to marijuana; authorizing a county or city to require a person who wishes to operate a business in which the use of marijuana is allowed or to hold a special event at which the use of marijuana is allowed to obtain a license or permit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) exempts a person who holds a valid registry identification card or letter of approval from state prosecution for possession, delivery and production of marijuana; and (2) generally decriminalizes the purchase, possession and use of marijuana and marijuana paraphernalia for persons who are 21 years of age or older. (NRS 453A.200, 453A.250, 453D.110, 453D.130) Existing law also generally authorizes the regulation, taxation and licensing of businesses by local governments. (NRS 244.335-244.3525, 268.090-268.0975) Section 1 of this bill authorizes the board of county commissioners of each county to adopt an ordinance which requires a person who wishes to operate a business in which the use of marijuana is allowed or hold a special event at which the use of marijuana is allowed in an unincorporated area of the county to obtain a license or permit, respectively, before operating the business or holding the special event. Section 1 establishes requirements for the operation of such a business or holding of such a special event. Section 1 allows the board of county commissioners to establish and collect a fee for such a license or permit that does not exceed the fee charged for similar businesses or special events. ~~[Section 1 prohibits a board of county commissioners from arbitrarily limiting the number of licenses or permits issued.]~~ Section 2 of this bill establishes similar provisions for the governing body of an incorporated city for similar businesses or special events located in the incorporated city.

While existing law generally decriminalizes the purchase, possession and use of marijuana, existing law also prohibits the consumption of marijuana in a public place. (NRS 453A.300, 453D.400) For the purpose of marijuana not for medical use, existing law defines a public place as an area "in which the public is permitted regardless of age." (NRS 453D.030) Sections 1 and 2 prohibit the issuance of a license to a business in which the use of marijuana is allowed or a permit to a special event at which the use of marijuana is allowed to a business or special event which allows entry of persons who are less than 21 years of age. ~~[Sections 1 and 2 also exempt from state prosecution for possession, delivery and production of marijuana a person who holds a license or permit or a person who consumes marijuana at a licensed business or permitted special event if the person consumes marijuana in a place which is not viewable from any public place. Section 3 of this bill makes a conforming change relating to the medical use of marijuana.]~~

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board of county commissioners of each county may, by ordinance, require each person who wishes to operate a business in which the use of marijuana is allowed or hold a special event at which the use of marijuana is allowed in an unincorporated area of the county to obtain a license issued by*

the board before the person operates the business or a permit issued by the board before the person holds the special event.

2. The ordinance must require each applicant for such a license or permit to submit an application for the license or permit to the board of county commissioners in a form prescribed by the board.

3. The board of county commissioners shall not issue a license or permit pursuant to this section if the proposed business in which the use of marijuana is allowed or special event:

(a) Would be located on the property of a public airport, within 1,000 feet of a public or private school or within 300 feet of a community facility;

(b) Would allow the consumption of marijuana at any place which is viewable from a public place; or

(c) Would allow any person who is less than 21 years of age to enter the business or special event.

4. The board of county commissioners may:

(a) Establish and collect a fee for the issuance or renewal of a license issued pursuant to this section which does not exceed the fee charged for a business license for similar businesses;

(b) Establish and collect a fee for the issuance of a permit issued pursuant to this section which does not exceed the fee charged for other special event permits;

(c) Grant or deny applications for licenses and permits and impose ~~reasonable~~ conditions, limitations or restrictions upon the license or permit ~~that are not unreasonably impracticable; and~~

(d) Establish any other requirements necessary to carry out the provisions of this section.

~~5. The board of county commissioners shall not arbitrarily or unreasonably limit the number of licenses or permits issued pursuant to this section.~~

~~6. A person who holds a license or permit issued pursuant to this section or who consumes marijuana at a business in which the use of marijuana is allowed licensed pursuant to this section or a special event at which the use of marijuana is allowed which has received a permit pursuant to this section in a place which is not viewable from a public place is exempt from state prosecution for:~~

~~(a) Possession, delivery or production of marijuana;~~

~~(b) Possession or delivery of paraphernalia;~~

~~(c) Aiding and abetting another in the possession, delivery or production of marijuana;~~

~~(d) Aiding and abetting another in the possession or delivery of paraphernalia;~~

~~(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and~~

~~(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.~~

~~7.1~~ As used in this section:

(a) "Business in which the use of marijuana is allowed" means a business which allows marijuana to be consumed on the premises of the business and which is licensed pursuant to this section.

(b) "Community facility" means:

(1) A facility that provides day care services for children.

(2) A public park.

(3) A playground.

(4) A public swimming pool.

(5) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(6) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

(7) A center or facility, the primary purpose of which is the treatment or rehabilitation for the abuse of alcohol or drugs.

(c) "Marijuana" has the meaning ascribed to it in NRS 453.096.

(d) "Paraphernalia" means accessories, devices and other equipment that is necessary or useful for a person to engage in the use of marijuana.

(e) "Special event at which the use of marijuana is allowed" means a special event which allows marijuana to be consumed within the premises of the special event and which is issued a permit pursuant to this section. The term does not include a temporary event held at a location which is designed to hold special events, including, without limitation, concerts, conventions, sporting events or trade shows.

(f) "Unreasonably impracticable" means that the measures necessary to comply with the conditions, limitations or restrictions require such a high investment of risk, money, time or any other resource or asset that the operation of a business in which the use of marijuana is allowed or special event at which the use of marijuana is allowed is not worthy of being carried out in practice by a reasonably prudent businessperson.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of an incorporated city in this State, whether organized pursuant to general law or special charter, may, by ordinance, require each person who wishes to operate a business in which the use of marijuana is allowed or hold a special event at which the use of marijuana is allowed in the incorporated city to obtain a license issued by the governing body before the person operates the business or a permit issued by the governing body before the person holds the special event.

2. The ordinance must require each applicant for such a license or permit to submit an application for the license or permit to the governing body of the incorporated city in a form prescribed by the governing body.

3. The governing body of the incorporated city shall not issue a license or permit pursuant to this section if the proposed business in which the use of marijuana is allowed or special event:

(a) Would be located on the property of a public airport, within 1,000 feet of a public or private school or within 300 feet of a community facility;

(b) Would allow the consumption of marijuana at any place which is viewable from a public place; or

(c) Would allow any person who is less than 21 years of age to enter the business or special event.

4. The governing body of the incorporated city may:

(a) Establish and collect a fee for the issuance or renewal of a license issued pursuant to this section which does not exceed the fee charged for a business license for similar businesses;

(b) Establish and collect a fee for the issuance of a permit issued pursuant to this section which does not exceed the fee charged for other special event permits;

(c) Grant or deny applications for licenses and permits and impose ~~reasonable~~ conditions, limitations or restrictions upon the license or permit ~~that are not unreasonably impracticable~~; and

(d) Establish any other requirements necessary to carry out the provisions of this section.

~~5. The governing body of the incorporated city shall not arbitrarily or unreasonably limit the number of licenses or permits issued pursuant to this section.~~

~~6. A person who holds a license or permit issued pursuant to this section or who consumes marijuana at a business in which the use of marijuana is allowed licensed pursuant to this section or a special event at which the use of marijuana is allowed which has received a permit pursuant to this section in a place which is not viewable from a public place is exempt from state prosecution for:~~

~~(a) Possession, delivery or production of marijuana;~~

~~(b) Possession or delivery of paraphernalia;~~

~~(c) Aiding and abetting another in the possession, delivery or production of marijuana;~~

~~(d) Aiding and abetting another in the possession or delivery of paraphernalia;~~

~~(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and~~

~~(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.~~

~~7. As used in this section:~~

(a) "Business in which the use of marijuana is allowed" means a business which allows marijuana to be consumed on the premises of the business and which is licensed pursuant to this section.

(b) "Community facility" means:

- (1) A facility that provides day care services for children.
- (2) A public park.
- (3) A playground.
- (4) A public swimming pool.
- (5) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (6) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.
- (7) A center or facility, the primary purpose of which is the treatment or rehabilitation for the abuse of alcohol or drugs.

(c) "Marijuana" has the meaning ascribed to it in NRS 453.096.

(d) "Paraphernalia" means accessories, devices and other equipment that is necessary or useful for a person to engage in the use of marijuana.

(e) "Special event at which the use of marijuana is allowed" means a special event which allows marijuana to be consumed within the premises of the special event and which is issued a permit pursuant to this section. The term does not include a temporary event held at a location which is designed to hold special events, including, without limitation, concerts, conventions, sporting events or trade shows.

(f) "Unreasonably impracticable" means that the measures necessary to comply with the conditions, limitations or restrictions require such a high investment of risk, money, time or any other resource or asset that the operation of a business in which the use of marijuana is allowed or special event at which the use of marijuana is allowed is not worthy of being carried out in practice by a reasonably prudent businessperson.

~~Sec. 3. [NRS 453A.300 is hereby amended to read as follows:
453A.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:~~

~~—(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana;~~

~~—(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130;~~

~~—(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257;~~

~~—(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566;~~

~~—(1) If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:~~

~~—(I) [Any] Except as otherwise provided in section 1 or 2 of this act, any public place or in any place open to the public or exposed to public view; or~~

~~—(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or~~

~~—(2) If the possession of the marijuana or paraphernalia occurs on school property.~~

~~—(c) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~

~~—(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~

~~2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.~~

~~3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.~~ (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 270 to Senate Bill No. 236 clarifies that a county commission shall not issue a license or permit for a business where marijuana use is allowed on the property of a public airport or within 300 feet of a community center. It also adds a definition of "unreasonably practicable" and provides that a county commission may impose limitations or restrictions on such businesses that are not unreasonably impracticable.

Additionally, it adds a definition of "special event at which the use of marijuana is allowed;" and deletes provisions of the bill prohibiting arbitrary limits on marijuana establishment licenses or permits and exemptions from prosecution for certain marijuana related activities that take place in permitted or licensed businesses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 253.

Bill read second time.

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

Amendment No. 375.

SUMMARY—Establishes the Nevada Pregnant Workers' Fairness Act to provide protections to female employees and applicants for employment who are affected by ~~(any)~~ a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition. (BDR 53-773)

AN ACT relating to employment; establishing the Nevada Pregnant Workers' Fairness Act; requiring certain employers to provide reasonable accommodations to female employees and applicants for employment for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, except in certain circumstances; prohibiting certain other discriminatory practices by employers relating to pregnancy, childbirth or a related medical condition; authorizing the Nevada Equal Rights Commission to investigate complaints of such unlawful employment practices; requiring the Commission to carry out programs to educate employers and others about certain rights and responsibilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Pregnancy Discrimination Act amended title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy. (42 U.S.C. § 2000(e)(k)) The Act requires employers with 15 or more employees to treat employees and applicants for employment who are affected by pregnancy, childbirth or related medical conditions the same as other employees and applicants who have similar abilities or limitations. The Act covers all aspects of employment, including hiring, firing, promoting and providing benefits and protects against discrimination of a person who is pregnant, has been pregnant and who may become pregnant as well as anyone who has, who has had or could have a medical condition that is related to pregnancy. (29 C.F.R. § 1604.10)

Existing law in this State prohibits various types of discrimination in employment, including discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. (NRS 613.330-613.380) In addition, existing law requires an employer that provides leave to employees for sickness or disability because of a medical condition to provide the same leave to an employee who is pregnant. (NRS 613.335) As with the federal law, existing law in this State makes these provisions applicable to an employer with 15 or more employees, and includes state and local governments. (NRS 613.310) Sections 2-8 and 11 of this bill create the Nevada Pregnant Workers' Fairness Act which provides protections to employees in this State similar to the protections of the federal Pregnancy Discrimination Act. As with other provisions prohibiting discrimination in existing law, the Nevada Pregnant Workers' Fairness Act applies to employers with 15 or more employees and also applies to state and local governments.

Section 5 of this bill makes it an unlawful employment practice , with certain limited exceptions, for such employers to refuse to provide reasonable accommodations, upon request, to female employees and applicants for employment for ~~any~~ a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer. Section 6 of this bill describes the requirements and manner in which to provide a reasonable accommodation. ~~(The)~~ Section 7 of this bill sets

forth: (1) the prima facie burden that a female employee or applicant for employment is required to meet concerning a requested reasonable accommodation before the burden of proof shifts to the employer to demonstrate that providing such an accommodation would impose an undue hardship on the business of the employer; and (2) the manner in which to determine whether an undue hardship exists. ~~is set forth in section 7 of this bill.~~ Section 5 also makes it an unlawful employment practice, with certain limited exceptions, for an employer to: (1) take adverse employment actions against ~~any~~ a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition; (2) deny an employment opportunity to a qualified female employee or applicant for employment based on a need for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition; and (3) require ~~any~~ a female employee or applicant for employment who is affected by a condition relating to pregnancy, childbirth or a related medical condition to accept an accommodation or to take a leave from employment if an accommodation is available.

Section 5 further authorizes an employer to require a female employee to provide an explanatory statement from the employee's physician concerning the specific accommodation recommended by the physician for the employee. Section 11 of this bill extends the existing law requiring leave policies to be the same for pregnant employees as other employees so that it applies to ~~any~~ a female employee who has a condition relating to pregnancy, childbirth or a related medical condition.

Section 15 of this bill authorizes a person injured by an unlawful employment practice within the scope of the Nevada Pregnant Workers' Fairness Act to file a complaint with the Nevada Equal Rights Commission.

Section 16 of this bill authorizes a person alleging an unfair employment practice under the Nevada Pregnant Workers' Fairness Act to file an action in district court if the Commission does not conclude that an unfair employment practice has occurred.

Section 17 of this bill requires the Commission to develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities under the Nevada Pregnant Workers' Fairness Act.

Section 18 of this bill authorizes the Commission to investigate any unlawful employment practice by an employer under the Nevada Pregnant Workers' Fairness Act.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *The provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act may be cited as the Nevada Pregnant Workers' Fairness Act.*

Sec. 3. As used in NRS 613.335 and sections 2 to 8, inclusive, of this act, ~~["a related medical condition" includes, without limitation, lactation or the need to express breast milk for a nursing child.]~~ unless the context otherwise requires, the words and terms defined in sections 3.3, 3.5 and 3.7 of this act have the meanings ascribed to them in those sections.

Sec. 3.3. "Condition of the applicant relating to pregnancy, childbirth or a related medical condition," "condition of the employee relating to pregnancy, childbirth or a related medical condition" or "condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition" means a physical or mental condition intrinsic to pregnancy or childbirth that includes, without limitation, lactation or the need to express breast milk for a nursing child.

Sec. 3.5. "Reasonable accommodation" means an action described in section 6 of this act that is taken by an employer for a female employee or applicant for employment who has a condition relating to pregnancy, childbirth or a related medical condition.

Sec. 3.7. "Related medical condition" means any medically recognized physical or mental condition related to pregnancy, childbirth or recovery from pregnancy or childbirth. The term includes, without limitation, mastitis or other lactation-related medical condition, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, loss or end of pregnancy and recovery from loss or end of pregnancy.

Sec. 4. 1. The Legislature hereby finds and declares that:

(a) Workplace laws must adequately protect pregnant women from being terminated from their employment because of the refusal of their employer to provide a reasonable accommodation;

(b) Women are often the primary income earners for their families and unemployment resulting from the failure of their employers to provide accommodations in the workplace is an outcome that families cannot afford to endure; and

(c) By remaining employed, pregnant women continue to provide economic security for their families, which in turn provides an economic benefit to the economy of this State.

2. The Legislature further finds and declares that it is the intent of the Legislature to fight against discrimination based on pregnancy, childbirth or a related medical condition, promote public health and ensure that women realize full and equal participation in the workforce by requiring employers to provide reasonable accommodations to employees who are pregnant, have given birth or have a related medical condition.

Sec. 5. 1. ~~It is~~ Except as otherwise provided in subsections 2 and 3, it is an unlawful employment practice for an employer to:

(a) Refuse to provide a reasonable accommodation to ~~any~~ a female employee or applicant for employment upon request of the employee or applicant, as applicable, for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the

accommodation would impose an undue hardship on the business of the employer as determined pursuant to section 7 of this act;

(b) Take an adverse employment action against ~~any~~ a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition which may include, without limitation, refusing to promote ~~any~~ the employee, requiring ~~any~~ the employee to transfer to another position, refusing to reinstate ~~any~~ the employee to the same or an equivalent position upon return to work or taking any other action which affects the terms or conditions of employment in a manner which is not desired by the employee;

(c) Deny an employment opportunity to an otherwise qualified female employee or applicant for employment based on the need of the employee or applicant, as applicable, for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition;

(d) Require ~~any~~ a female employee or applicant for employment who is affected by a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition to accept an accommodation that the ~~applicant or~~ employee or applicant did not request or chooses not to accept; and

(e) Require ~~any~~ a female employee who is affected by a condition of the employee relating to pregnancy, childbirth or a related medical condition to take leave from employment if a reasonable accommodation for any such condition of the employee is available that would allow the employee to continue to work.

2. It is not an unlawful employment practice for an employer take an action set forth in this section if the action is based upon a bona fide occupational qualification.

3. An employer who is a contractor licensed pursuant to chapter 624 of NRS is not subject to:

(a) The requirements of this section with regard to a request of a female employee to provide a reasonable accommodation if the requested accommodation is to provide a place, other than a bathroom, where the employee may express breast milk and the employee is performing work at a construction job site that is located more than 3 miles from the regular place of business of the employer; or

(b) The requirements of paragraph (d) or (e) of subsection 1 with regard to a female employee who is affected by a condition of the employee relating to pregnancy, childbirth or a related medical condition if the work duties of the employee include the performance of manual labor.

4. An employer who is a contractor licensed pursuant to chapter 624 of NRS is encouraged to provide a reasonable accommodation described in paragraph (a) of subsection 3 to the extent practicable.

5. An employer may require a female employee to provide an explanatory statement from the employee's physician concerning the specific accommodation recommended by the physician for the employee.

6. This section must not be construed to preempt, limit, diminish or otherwise affect any other provision of law relating to discrimination on the basis of sex or pregnancy.

~~[3. As used in this section, "reasonable accommodation" means an action described in section 6 of this act that is taken by an employer for an employee or applicant for employment who has a condition relating to pregnancy, childbirth or a related medical condition as other similarly situated employees.]~~

Sec. 6. 1. If ~~an~~ a female employee requests an accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition, the employer and employee must engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation for the employee. An accommodation may consist of a change in the work environment or in the way things are customarily carried out that allows the employee to have equal employment opportunities, including the ability to perform the essential function of ~~this or her~~ the position and to have benefits and privileges of employment that are equal to those available to other employees.

2. A reasonable accommodation provided by an employer to ~~an~~ a female applicant for employment which is based on a condition of the applicant relating to pregnancy, childbirth or a related medical condition may consist of a modification to the application process or the manner in which things are customarily carried out that allows the applicant to be considered for employment or hired for a position.

3. A reasonable accommodation pursuant to this section may include, without limitation:

- (a) Modifying equipment or providing different seating;
- (b) Revising break schedules, which may include revising the frequency or duration of breaks;
- (c) Providing space in an area other than a bathroom that may be used for expressing breast milk;
- (d) Providing assistance with manual labor;
- (e) Authorizing light duty;
- (f) Temporarily transferring the employee to a less strenuous or hazardous position; or
- (g) Restructuring a position or providing a modified work schedule.

4. An employer is not required by this section or section 5 of this act to:

- (a) Create a new position that the employer would not have otherwise created, unless the employer has created or would create such a position to accommodate other classes of employees; or
- (b) Discharge any employee, transfer any employee with more seniority or promote any employee who is not qualified to perform the job, unless the

employer has taken or would take such an action to accommodate other classes of employees.

Sec. 7. 1. ~~{Am}~~ If a female employee or applicant for employment makes a prima facie showing that the employee or applicant requested a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition and the employer refused to provide or attempt to provide the reasonable accommodation, the burden of proof shifts to the employer ~~{has the burden of proving}~~ to demonstrate that providing ~~{a reasonable}~~ such an accommodation ~~{pursuant to section 5 of this act is}~~ would impose an undue hardship on the business of the employer.

2. To prove such an undue hardship, the employer must demonstrate that the accommodation is significantly difficult to provide or expensive considering, without limitation:

- (a) The nature and cost of the accommodation;
- (b) The overall financial resources of the employer;
- (c) The overall size of the business of the employer with respect to the number of employees and the number, type and location of the available facilities; and
- (d) The effect of the accommodation on the expenses and resources of the employer or the effect of the accommodation on the operations of the employer.

~~{2-}~~ 3. Evidence that the employer provides or would be required to provide a similar accommodation to a similarly situated employee or applicant for employment creates a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

Sec. 8. 1. An employer shall provide a written or electronic notice to employees that they have the right to be free from discriminatory or unlawful employment practices pursuant to NRS 613.335 and sections 2 to 8, inclusive, of this act. The notice must include a statement that ~~{am}~~ a female employee has the right to a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition.

2. An employer shall provide the ~~{written}~~ notice required pursuant to subsection 1:

- (a) To a new employee upon commencement of employment; and
- (b) Within 10 days after an employee notifies the ~~{employer}~~ employee's immediate supervisor that the employee is pregnant.

3. An employer shall post the ~~{written}~~ notice required pursuant to subsection 1 in a conspicuous place at the place of business of the employer that is located in an area which is accessible to employees.

Sec. 9. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

- (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

- (b) A record of such an impairment; or
- (c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. "Person" includes the State of Nevada and any of its political subdivisions.

7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 10. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.435, inclusive, *and sections 2 to 8, inclusive, of this act* do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, *and sections 2 to 8, inclusive, of this act* concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 11. NRS 613.335 is hereby amended to read as follows:

613.335 If an employer grants leave with pay, leave without pay, or leave without loss of seniority to his or her employees for sickness or disability because of a medical condition, it is an unlawful employment practice to fail or refuse to extend the same benefits to any female employee ~~[who is pregnant]~~ *for a condition of the employee relating to pregnancy, childbirth or a related medical condition*. The female employee who is pregnant must be allowed to use the leave before and after childbirth, miscarriage or other

natural resolution of her pregnancy, if the leave is granted, accrued or allowed to accumulate as a part of her employment benefits.

Sec. 12. NRS 613.340 is hereby amended to read as follows:

613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.435, inclusive, *and sections 2 to 8, inclusive, of this act*, or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.435, inclusive ~~to~~, *and sections 2 to 8, inclusive, of this act*.

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 13. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint

labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.435, inclusive, *and sections 2 to 8, inclusive, of this act* as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

Sec. 14. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.435, inclusive, *and sections 2 to 8, inclusive, of this act* applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 15. NRS 613.405 is hereby amended to read as follows:

613.405 Any person injured by an unlawful employment practice ~~[within]~~
:

1. *Within the scope of NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act* may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. *Within the scope of NRS 613.335 and sections 2 to 8, inclusive, of this act* may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on an employer's failure to comply with the provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act.

Sec. 16. NRS 613.420 is hereby amended to read as follows:

613.420 If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.435, inclusive, *and sections 2 to 8, inclusive, of this act* has occurred, any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections.

Sec. 17. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all racial, religious, disabled and ethnic groups and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, religion, sex, age, disability or nationality.

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, creed, sex, age, disability, national origin or ancestry, and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various racial, religious, disabled, nationality and ethnic groups, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. *Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.335 and sections 2 to 8, inclusive, of this act.*

Sec. 18. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of

race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate ~~tensions,~~ :

(1) *Tensions*, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto ~~[-]~~ ; and

(2) *Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act, and may conduct hearings with regard thereto.*

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 19. 1. An employer shall provide the written notice required pursuant to section 8 of this act to existing employees of the employer to inform the employees of the rights that will become effective on October 1, 2017.

2. As used in this section, "employer" has the meaning ascribed to it in NRS 613.310.

Sec. 20. This act becomes effective:

1. Upon passage and approval for the purpose of providing the notice required pursuant to section 19 of this act; and

2. On October 1, 2017, for all other purposes.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 375 makes six changes to Senate Bill No. 253. The amendment defines "a related medical condition" and "condition of the applicant relating to pregnancy, childbirth or a related medical condition." It clarifies the gender of the employee or applicant is female. It provides that an employer who is a licensed contractor is not subject to the requirements of the bill under certain circumstances. It also provides the *prima facie* burden that a female employee or applicant is required to meet concerning a requested reasonable accommodation before the burden of proof shifts to the employer and clarifies an employer must provide written or electronic notice that an employee has the right to reasonable accommodation for a condition relating to pregnancy, childbirth or a related medical condition.

Finally, it authorizes an employer to require a female employee provide an explanatory statement from the employee's physician concerning the specific accommodations recommended by the physician for the employee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 262.

Bill read second time.

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

Amendment No. 377.

SUMMARY—Revises provisions concerning payments for treatment relating to mental illness or the abuse of alcohol or drugs. (BDR 57-455)

AN ACT relating to health care; requiring that payments for treatment relating to mental health or the abuse of alcohol or drugs be made directly to the provider of that treatment; requiring a licensed clinical alcohol and drug counselor to be directly reimbursed for providing treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for treatment relating to the abuse of alcohol or drugs to be covered by certain policies of health insurance and, under certain circumstances, provided by employers. (NRS 608.156, 689A.030, 689A.046, 689C.166, 689C.167) Existing law provides that under certain policies of health insurance, an insured party is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor. (NRS 689A.0493, 689B.0397, 695B.1955, 695C.1789) Existing law further requires certain policies of health insurance to cover treatment for mental illness. (NRS 687B.404, 689A.0455, 689C.169) Existing law does not prevent a person who is receiving treatment for mental illness or the abuse of alcohol or drugs from receiving the payments for such treatment.

Section 1 of this bill requires that every payment made pursuant to a policy of health insurance , including, without limitation, a payment made to an out-of-network provider, for treatment relating to mental health or the abuse of alcohol or drugs must be made directly to the provider of the treatment rather than to the person receiving the treatment. Section 1 also expressly allows such a provider to refund to a person receiving treatment any amounts that the person paid to the provider. For example, a person may have prepaid the provider for treatment and, after the payment pursuant to the policy of health insurance is made to the provider, the provider may need to refund all or part of the prepaid amounts to the person receiving treatment. ~~[Section 8 of this bill extends the requirements of section 1 to benefits provided through self-insurance by local governmental agencies. (NRS 287.010)]~~ Section 9 of this bill extends the requirements of section 1 to benefits provided through self-insurance by the Board of the Public Employees' Benefits Program.

(NRS 287.04335) Section 10 of this bill extends the requirements of section 1 to benefits provided by certain employers. (NRS 608.1555)

Sections 3, 4, 6 and 7 of this bill provide that a licensed clinical alcohol and drug abuse counselor must be directly reimbursed for treatment relating to the abuse of alcohol or drugs.

Sections 2, 5 and 11 of this bill make conforming changes.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Every payment made pursuant to a policy of health insurance to pay for treatment relating to mental health or the abuse of alcohol or drugs including, without limitation, a payment made to an out-of-network provider, must be made directly to the provider of the treatment.*

2. *A provider that receives payment pursuant to subsection 1 may refund to the person who receives the treatment not more than any amount that the person who receives the treatment paid directly to the provider for the treatment.*

3. *As used in this section:*

(a) *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.*

(b) *"Network plan" has the meaning ascribed to it in NRS 689B.570.*

(c) *"Out-of-network provider" means a provider of health care who:*

(1) Provides health care services;

(2) Is paid, pursuant to a policy of health insurance, for providing the health care services; and

(3) Is not under contract to provide the health care services as part of any network plan associated with the policy of health insurance.

(d) "Policy of health insurance" includes, without limitation, a policy, contract, certificate, plan or agreement, as applicable, issued pursuant to or otherwise governed by NRS 287.0402 to 287.049, inclusive, or chapter 687, 608, 689A, 689B, 689C, 695A, 695B, 695C, 695F or 695G of NRS for the provision of, delivery of, arrangement for, payment for or reimbursement for any of the costs of health care services.

(e) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 2. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. The benefits provided by a policy for health insurance for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. ~~[These]~~ Except as otherwise provided in section 1 of this act, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by ~~the~~ *The Joint Commission on Accreditation of Healthcare Organizations* or *CARF International* and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 3. NRS 689A.0493 is hereby amended to read as follows:

689A.0493 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the ~~insured is entitled to reimbursement for treatment by a~~ clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[-]~~ *must be directly reimbursed for providing such treatment.*

Sec. 4. NRS 689B.0397 is hereby amended to read as follows:

689B.0397 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the ~~insured is entitled to reimbursement for treatment by a~~ clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[-]~~ *must be directly reimbursed for providing such treatment.*

Sec. 5. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. The benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. ~~[These]~~ Except as otherwise provided in section 1 of this act, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by ~~the~~ *The Joint Commission for Accreditation of Healthcare Organizations* or *CARF International* and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 6. NRS 695B.1955 is hereby amended to read as follows:

695B.1955 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the ~~insured is entitled to reimbursement for treatment by a~~ clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[-]~~ *must be directly reimbursed for providing such treatment.*

Sec. 7. NRS 695C.1789 is hereby amended to read as follows:

695C.1789 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the ~~insured is entitled to reimbursement for treatment by a~~ clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[-]~~ *must be directly reimbursed for providing such treatment.*

Sec. 8. ~~NRS 287.010 is hereby amended to read as follows:~~

~~287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:~~

~~(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance;~~

~~(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums;~~

~~(c) Provide group life, accident or health coverage through a self insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions~~

~~of the governing body must be maintained as an internal service fund as defined by NRS 254.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, and 689B.287 and section 1 of this act apply to coverage provided pursuant to this paragraph.~~

~~—(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.~~

~~—2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.~~

~~—3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.~~

~~—4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:~~

~~—(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and~~

~~—(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.~~

~~—5. A contract that is entered into pursuant to subsection 3:~~

~~—(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.~~

~~—(b) Does not become effective unless approved by the Commissioner.~~

~~(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.~~

~~6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031. (Deleted by amendment.)~~

Sec. 9. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 1 of this act* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 10. NRS 608.1555 is hereby amended to read as follows:

608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS ~~1~~, *including, without limitation, as required by section 1 of this act.*

Sec. 11. NRS 608.156 is hereby amended to read as follows:

608.156 1. If an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is \$39,000.

3. ~~These~~ *Except as otherwise provided in section 1 of this act, these* benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, *is* accredited by The Joint Commission *or CARF International* and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 12. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 377 makes three changes to Senate Bill No. 262. The amendment adds "any payment to an out-of-network provider" in section 1 of the bill. It adds CARF International as an authorized accrediting organization and deletes section 8 of the bill, which extends the requirements to benefits provided through self-insurance by local governmental agencies.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 592.

SUMMARY—Revises provisions relating to ~~the reconveyance or sale of~~ real property ~~by a county treasurer for delinquent taxes.~~ (BDR 32-99)

AN ACT relating to ~~taxation;~~ real property; revising provisions relating to the ~~reconveyance or~~ disposition of excess proceeds received from the sale of real property by a county treasurer for delinquent taxes; revising provisions governing the assessment of common expenses in a common-interest community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county tax receiver to execute and deliver a deed of a property in trust to the county treasurer under certain circumstances when the taxes on the property are delinquent. (NRS 361.585) After the deed has been delivered to the county treasurer, the county treasurer is authorized to make certain dispositions of the property, including, without limitation: (1) reconveying the property to certain persons upon payment of the amount of property taxes accrued, plus any costs, penalties and interest, if such payment is made within a certain time before the sale of the property by the county treasurer; or (2) selling the property to recover the delinquent taxes. (NRS 361.585, 361.595) If the county treasurer sells the property and excess proceeds remain after the county treasurer has applied the proceeds of the sale to the delinquent taxes and certain other payments, existing law provides for the distribution of the excess proceeds from the sale to certain persons holding securing interests in the order of priority of their recorded liens. (NRS 361.610)

~~[This] Section 2 of this bill authorizes the following persons [to obtain a reconveyance of property held in trust by the county treasurer or]~~ to receive a distribution of excess proceeds from the sale of such property to recover delinquent taxes: (1) the unit-owners' association of a common-interest community if the association has caused to be recorded a notice of default and election to sell a property to satisfy its lien on the property and that notice has not been rescinded; and (2) the unit-owners' association of a condominium hotel or an owner of a unit of a condominium hotel if the association or owner has caused to be recorded a notice of default and election to sell a property to

satisfy the association's or owner's lien on the property and that notice has not been rescinded.

Generally, existing law requires the expenses of a unit-owners' association to be paid by imposing assessments against the units that are part of the association. (NRS 116.019, 116.3115) However, under existing law, expenses benefitting fewer than all of the units' owners may be assessed only against the units or units' owners benefited by the expenses. (NRS 116.3115) Section 2.5 of this bill specifies that if a unit-owners' association pays, on behalf of a unit's owner, delinquent property taxes or utility charges owed by the unit's owner, those expenses may be assessed against the unit or the unit's owner.

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

Section 1. ~~[NRS 361.585 is hereby amended to read as follows:~~

~~361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the certificate, or his or her successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.~~

~~2. The county treasurer and his or her successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.~~

~~3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or not later than 5 p.m. on the third business day before the day of the sale by a county treasurer, as specified in the notice required by NRS 361.595, of any property held in trust by him or her by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon the receipt by the county treasurer of payment by or on behalf of that person of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603.~~

~~4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:~~

~~(a) The owner.~~

~~(b) The beneficiary under a note and deed of trust.~~

~~(c) The mortgagee under a mortgage.~~

~~(d) The creditor under a judgment.~~

~~(e) The person to whom the property was assessed.~~

~~(f) The person holding a contract to purchase the property before its conveyance to the county treasurer.~~

~~(g) The Director of the Department of Health and Human Services if the owner has received or is receiving any benefits from Medicaid.~~
~~(h) The successor in interest of any person specified in this subsection.~~
~~(i) A municipality that holds a lien against the property.~~
~~(j) An association, as defined in NRS 116.011, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116.31162 that has not been rescinded.~~
~~(k) An association, as defined in NRS 116B.030, or a hotel unit owner, as defined in NRS 116B.125, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116B.635 that has not been rescinded.~~
~~5. The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971. (Deleted by amendment.)~~

Sec. 2. NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he or she is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from the county treasurer as trustee, he or she shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may:

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county; or

(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first \$300 of the excess proceeds; and

(b) Ten percent of the next \$10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the amounts required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the excess proceeds within 1 year after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his or her successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person ~~[who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585]~~ listed in subsection 6 makes a claim in writing for the excess proceeds within 1 year after the deed is recorded, the

county treasurer shall pay the claim or the proper portion of the claim over to the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The following persons ~~[specified in paragraphs (b), (c), (d), (g), (h) and (i), (j) and (k) of subsection 4 of NRS 361.585]~~ in the order of priority of the ~~[recorded]~~ liens [recorded or perfected before the sale]:

(1) Persons specified in paragraphs (b), (c), (d), (g), (h) and (i) of subsection 4 of NRS 361.585;

(2) An association, as defined in NRS 116.011, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116.31162 that has not been rescinded; and

(3) An association, as defined in NRS 116B.030, or a hotel unit owner, as defined in NRS 116B.125, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116B.635 that has not been rescinded; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:

(a) Conduct a hearing to determine who is entitled to the excess proceeds; or

(b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after the person receives notice of the determination, commence an action for judicial review of the determination in district court.

10. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person ~~[who would have been entitled to receive reconveyance of the property pursuant to]~~ listed in subsection 6 of NRS 361.585] must:

(a) Be in writing.

(b) Be signed by the person ~~[who would have been entitled to receive reconveyance.]~~ listed in subsection 6.

(c) Not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

11. In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county treasurer any property owed to the person, a person ~~[described]~~ listed in subsection 6 of

~~NRS 361.585~~ 6 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him or her. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Sec. 2.5. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive, or as otherwise provided in this chapter:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.

3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the

largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.

4. Except as otherwise provided in the governing documents:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense benefiting fewer than all of the units or their owners , including, without limitation, common expenses consisting of the payment, on behalf of a unit's owner, of delinquent property taxes or utility charges owed by the unit's owner, may be assessed exclusively against the units or units' owners benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If damage to a unit or other part of the common-interest community, or if any other common expense is caused by the willful misconduct or gross negligence of any unit's owner, tenant or invitee of a unit's owner or tenant, the association may assess that expense exclusively against his or her unit, even if the association maintains insurance with respect to that damage or common expense, unless the damage or other common expense is caused by a vehicle and is committed by a person who is delivering goods to, or performing services for, the unit's owner, tenant or invitee of the unit's owner or tenant.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 3. This act becomes effective on July 1, 2017.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 592 to Senate Bill No. 281 deletes section 1 of the bill related to authorizing certain unit owners and unit-owners' associations to receive a reconveyance of property held in trust by the county treasurer when the taxes on the property are delinquent. The amendment also clarifies that certain unit-owners and unit-owners' associations may receive excess proceeds from

the sale of property held in trust by the county treasurer only if a lien has been recorded and perfected before the sale.

Finally, the amendment specifies that if a unit-owners' association pays on behalf of a unit's owner delinquent property taxes or utility charges owed by the unit's owner; those expenses may be assessed against the unit or the unit's owner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 272.

SUMMARY—Revises various provisions relating to the labeling, packaging and advertising of marijuana. (BDR 40-451)

AN ACT relating to marijuana; revising standards for the labeling and packaging of marijuana for medical use; establishing limits on the quantity of marijuana for medical use that may be sold in a single package; prohibiting the production of edible marijuana products or marijuana-infused products that appear to be candy or may appeal to children; requiring a facility for the production of edible marijuana products or marijuana-infused products which produces cookies or brownies to seal such a product in a container which is not transparent; prohibiting advertising by a medical marijuana establishment that would be appealing to children; requiring a medical marijuana dispensary to offer certain containers for sale and provide notification with each sale of marijuana; prohibiting the regulation of certain matters relating to marijuana by a local government or a state agency other than the Division of Public and Behavioral Health of the Department of Health and Human Services or the Department of Taxation; establishing similar provisions for recreational marijuana establishments with a delayed effective date; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products in this State to meet certain requirements for the packaging and labeling of such products. (NRS 453A.360) Section 1 of this bill requires each edible marijuana product or marijuana-infused product offered for sale to be labeled with the amount of servings of THC in the product. Section 1 requires each edible marijuana product or marijuana-infused product to be sold in a single package and establishes limits on the amount of THC such products may contain per package and, if applicable, per unit. Section 1 prohibits a facility for the production of edible marijuana products or marijuana-infused products from producing such a product in any form that appears to be candy or may appeal to children. Section 1 requires a facility for the production of edible marijuana products or marijuana-infused products which produces cookies or brownies to seal such a product in a bag or other container which is not transparent. ~~[Finally, section]~~ Section 1 prohibits a medical marijuana dispensary or facility

for the production of edible marijuana products or marijuana-infused products from engaging in advertising that would make marijuana, edible marijuana products or marijuana-infused products appeal to children. Section 1 requires a medical marijuana dispensary to offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container. Section 1 requires a medical marijuana dispensary to provide a written notification to keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children with each sale of marijuana or such products. Section 1 prohibits a local government or a state agency other than the Division of Public and Behavioral Health of the Department of Health and Human Services and the Department of Taxation from regulating certain issues relating to marijuana. Section 2 of this bill establishes similar requirements for recreational marijuana establishments at a future date.

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

Section 1. NRS 453A.360 is hereby amended to read as follows:

453A.360 1. Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Division, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

~~{1.}~~ (a) Are labeled clearly and unambiguously as medical marijuana ~~{-~~
~~—2.}~~ and as required by NRS 453A.320 to 453A.370, inclusive, and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that is appealing to children ~~{-~~
~~—3.}~~ , including, without limitation, packaging containing an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

~~{4.}~~ (d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of ~~{25}~~ 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the independent testing laboratory which performed the testing.

2. An edible marijuana product or marijuana-infused product must be sold in a single package. A single package must not contain:

(a) For an edible marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 400 milligrams of THC per package.

(b) For an edible marijuana product sold as a tincture, more than 400 milligrams of THC.

(c) For an edible marijuana product other than a capsule or tincture, more than 400 milligrams of THC.

(d) For a marijuana-infused product sold as a topical product, a concentration of more than 6 percent THC or more than 400 milligrams of THC per package.

(e) For a marijuana-infused product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 400 milligrams of THC per package.

(f) For a marijuana-infused product other than a topical product, suppository or transdermal patch, more than 400 milligrams of THC.

3. A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:

(a) Appears to be candy.

(b) Is similar in appearance to a cartoon character, mascot, action figure, balloon, fruit or toy.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item.

4. A facility for the production of edible marijuana products or marijuana-infused products shall seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

5. A medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products shall not engage in advertising that in any way makes marijuana, edible marijuana products or marijuana-infused products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

6. Each medical marijuana dispensary shall offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container.

7. A medical marijuana dispensary shall include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser to keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children.

8. Notwithstanding any other provision of law and except as otherwise provided in chapter 453D of NRS, only the Division and the Department of Taxation may adopt a regulation or impose any requirement relating to the production, potency, appearance, packaging, labeling or advertising of marijuana, edible marijuana products, marijuana-infused products or

marijuana products, as applicable, and any such regulation adopted, ordinance enacted or requirement imposed by another governmental entity or local government is void.

9. As used in this section, "candy" means a product which contains sugar and is produced in the shape of a cartoon character, mascot, action figure, human balloon, fruit or toy or any other shape determined by the Division to be likely to appeal primarily to children.

Sec. 2. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each retail marijuana store and marijuana product manufacturing facility shall, in consultation with the Department, cooperate to ensure that all marijuana products offered for sale:

(a) Are labeled clearly and unambiguously as marijuana and as required by this chapter and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that is appealing to children, including, without limitation, packaging containing an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of ~~25~~ 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the marijuana testing facility which performed the testing.

2. A marijuana product must be sold in a single package. A single package must not contain:

(a) For a marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 400 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than 400 milligrams of THC.

(c) For a marijuana product sold as a food product, more than 400 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 400 milligrams of THC per package.

(e) For a marijuana product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 400 milligrams of THC per package.

(f) For any other marijuana product, more than 400 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) Appears to be candy.

(b) Is similar in appearance to a cartoon character, mascot, action figure, balloon, fruit or toy.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated marijuana to a commercially available candy or snack food item.

4. A marijuana product manufacturing facility shall seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

5. A retail marijuana store or marijuana product manufacturing facility shall not engage in advertising that in any way makes marijuana or marijuana products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

6. Each retail marijuana store shall offer for sale containers for the storage of marijuana and marijuana products which lock and are designed to prohibit children from unlocking and opening the container.

7. A retail marijuana store shall include a written notification with each sale of marijuana or marijuana products which advises the purchaser to keep marijuana and marijuana products out of the reach of children.

8. Notwithstanding any other provision of law and except as otherwise provided in chapter 453A of NRS, only the Department and the Division of Public and Behavioral Health of the Department of Health and Human Services may adopt a regulation or impose any requirement relating to the production, potency, appearance, packaging, labeling or advertising of marijuana, edible marijuana products, marijuana-infused products or marijuana products, as applicable, and any such regulation adopted, ordinance enacted or requirement imposed by another governmental entity or local government is void.

9. As used in this section, "candy" has the meaning ascribed to it in section 1 of this act.

Sec. 3. 1. This section and section 1 of this act become effective on July 1, 2017.

2. Section 2 of this act becomes effective on January 1, 2020.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 272 to Senate Bill No. 344 requires medical marijuana dispensaries to provide written notice with each sale that marijuana products are to be kept out of the reach of children and to sell containers that lock and are designed to prohibit children from opening them. It also provides that only the Division of Public and Behavioral Health and the Department of Taxation may adopt regulations or impose requirements on the production, potency, appearance, packaging, labelling or advertising of marijuana; defines the term "candy" for the purposes of edible marijuana product sales, and reduces the maximum potency of a single serving of THC from 25 to 10 milligrams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 350.

Bill read second time.

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

Amendment No. 379.

SUMMARY—~~[Prohibits]~~ Revises provisions governing the installation and use of certain technology devices in a motor vehicle. (BDR 52-575)

AN ACT relating to trade regulations; prohibiting certain persons from installing, requiring to be installed or using certain technology devices in a motor vehicle ~~[,]~~ in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. ~~[,] (NRS 11.190, 41.600; chapter 598 of NRS) Section [1] 28 of this bill [; (1)] prohibits [any person, other than a manufacturer of a motor vehicle,] certain creditors or long-term lessors of certain motor vehicles from : (1) installing [;] or requiring the installation of [or using] certain technology devices which record the location of [and] a motor vehicle unless the consumer who has purchased or leased the motor vehicle is given written notice or agrees in writing to such installation; or (2) installing or using certain technology devices which can remotely disable a motor vehicle [; and (2)] in the event of a default unless the consumer agrees in writing to such installation and use. Section 28 also provides certain requirements for and restrictions on the use of such technology devices. Section 29 of this bill imposes certain requirements and restrictions on any person who: (1) manufactures or provides such technology devices; (2) installs such technology devices; or (3) possesses or obtains data from such technology devices. Section 30 of this bill makes [such conduct] any violation of the provisions of sections 28 and 29 a deceptive trade practice. Sections [2-13] 15-27 of this bill [make conforming changes] provide definitions for the provisions relating to the new deceptive trade [practice] practices established in [section 1.] sections 28 and 29. Section 31 of this bill makes a conforming change. Section 32 of this bill makes a conforming change to a provision of existing law that imposes certain requirements on retail installment contracts. (NRS 97.165)~~

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

Section 1. ~~[Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

~~1. A person, other than a manufacturer of a motor vehicle, engages in a "deceptive trade practice" when, in the course of his or her business or occupation, he or she:~~

~~(a) Installs, or requires to be installed, any electronic repossession technology in a motor vehicle; or~~

~~—(b) Uses any electronic repossession technology to take possession of or render inoperable a motor vehicle.~~

~~—2. As used in this section, unless the context otherwise requires:~~

~~—(a) "Electronic repossession technology" means a device that has electrical, digital, magnetic or wireless optical electromagnetic properties or similar capabilities, including, without limitation, electronic tracking technology and starter interrupt technology.~~

~~—(b) "Electronic tracking technology" means global positioning satellite or similar technology used to obtain or record the location of a motor vehicle.~~

~~—(c) "Motor vehicle" has the meaning ascribed to it in NRS 482.075.~~

~~—(d) "Starter interrupt technology" means technology used to remotely disable the starter of a motor vehicle.}] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 598.0903 is hereby amended to read as follows:~~

~~—598.0903 As used in NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, have the meanings ascribed to them in those sections.}] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 598.0953 is hereby amended to read as follows:~~

~~—598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.~~

~~—2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, and section 1 of this act are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.}] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 598.0955 is hereby amended to read as follows:~~

~~—598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act do not apply to:~~

~~—(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.~~

~~—(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.~~

~~—(c) Actions or appeals pending on July 1, 1973.~~

~~—2. The provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive [.] and section 1 of this act.}] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 598.0963 is hereby amended to read as follows:~~

~~—598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive~~

~~trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.~~

~~2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive [.] , and section 1 of this act. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.~~

~~3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.~~

~~4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 598.0967 is hereby amended to read as follows:~~

~~598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, and section 1 of this act may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive [.] , and section 1 of this act. Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act to particular persons or circumstances.~~

~~2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 598.0971 is hereby amended to read as follows:~~

~~598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.~~

~~2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.~~

~~3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:~~

~~(a) Cease and desist from engaging in the practice or other activity constituting the violation;~~

~~(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive [;], and section 1 of this act;~~

~~(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and~~

~~(d) Impose an administrative fine of \$1,000 or treble the amount of restitution ordered, whichever is greater.~~

~~* The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.~~

~~4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.~~

~~5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.~~

~~6. If the court finds that:~~

~~(a) The violation complained of is a deceptive trade practice;~~

~~(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and~~

~~—(c) The findings of the Director or his or her designee are supported by the weight of the evidence;~~

~~→ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.~~

~~—7. An order issued pursuant to subsection 6 may include:~~

~~—(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Director's or designee's order;~~

~~—(b) An order that the person cease doing business within this State; and~~

~~—(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.~~

~~—8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.~~

~~—9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.] (Deleted by amendment.)~~

~~Sec. 8. [NRS 598.0985 is hereby amended to read as follows:~~

~~—598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.] (Deleted by amendment.)~~

~~Sec. 9. [NRS 598.0993 is hereby amended to read as follows:~~

~~—598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.] (Deleted by amendment.)~~

~~Sec. 10. [NRS 598.0999 is hereby amended to read as follows:~~

~~—598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains~~

~~jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive [.] , and section 1 of this act.~~

~~— 2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.~~

~~— 3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:~~

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

~~— (b) For the second offense, is guilty of a gross misdemeanor.~~

~~— (c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~➤ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.~~

~~— 4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.~~

~~— 5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:~~

~~— (a) The suspension of the person's privilege to conduct business within this State; or~~

~~— (b) If the defendant is a corporation, dissolution of the corporation.~~

~~➤ The court may grant or deny the relief sought or may order other appropriate relief.~~

~~— 6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a~~

~~provision, the Attorney General may bring an action in the name of the State of Nevada seeking:~~

~~— (a) The suspension of the person's privilege to conduct business within this State; or~~

~~— (b) If the defendant is a corporation, dissolution of the corporation.~~

~~→ The court may grant or deny the relief sought or may order other appropriate relief.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 11.190 is hereby amended to read as follows:~~

~~11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:~~

~~— 1. Within 6 years:~~

~~— (a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.~~

~~— (b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.~~

~~— 2. Within 4 years:~~

~~— (a) An action on an open account for goods, wares and merchandise sold and delivered.~~

~~— (b) An action for any article charged on an account in a store.~~

~~— (c) An action upon a contract, obligation or liability not founded upon an instrument in writing.~~

~~— (d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0902 to 598.0999, inclusive, and section 1 of this act, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.~~

~~— 3. Within 3 years:~~

~~— (a) An action upon a liability created by statute, other than a penalty or forfeiture.~~

~~— (b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.~~

~~— (c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.~~

~~—(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.~~

~~—(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.~~

~~—4. Within 2 years:~~

~~—(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.~~

~~—(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.~~

~~—(c) An action for libel, slander, assault, battery, false imprisonment or seduction.~~

~~—(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.~~

~~—(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.~~

~~—(f) An action to recover damages under NRS 41.740.~~

~~—5. Within 1 year:~~

~~—(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.~~

~~—(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 41.600 is hereby amended to read as follows:~~

~~41.600 1. An action may be brought by any person who is a victim of consumer fraud.~~

~~2. As used in this section, "consumer fraud" means:~~

~~—(a) An unlawful act as defined in NRS 119.330;~~

~~—(b) An unlawful act as defined in NRS 205.2747;~~

~~—(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;~~
~~—(d) An act prohibited by NRS 482.351; or~~
~~—(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive [.] , and section 1 of this act.~~

~~—3. If the claimant is the prevailing party, the court shall award the claimant:~~

~~—(a) Any damages that the claimant has sustained;~~
~~—(b) Any equitable relief that the court deems appropriate; and~~
~~—(c) The claimant's costs in the action and reasonable attorney's fees.~~

~~—4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 482.554 is hereby amended to read as follows:~~

~~—482.554 1. The Department may impose an administrative fine of not more than \$10,000 against any person who engages in a deceptive trade practice. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.~~

~~—2. For the purposes of this section, a person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his or her business or occupation, the person:~~

~~—(a) Enters into a contract for the sale of a vehicle on credit with a customer, exercises a valid option to cancel the vehicle sale and then, after the customer returns the vehicle with no damage other than reasonable wear and tear, the seller;~~

~~—(1) Fails to return any down payment or other consideration in full, including, returning a vehicle accepted in trade;~~

~~—(2) Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the vehicle on less favorable terms; or~~

~~—(3) Fails to use the disclosure as required in subsection 3.~~

~~—(b) Uses a contract for the sale of the vehicle or a security agreement that materially differs from the form prescribed by law.~~

~~—(c) Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, and section 1 of this act that involves the purchase and sale or lease of a motor vehicle.~~

~~—(d) Engages in any other acts prescribed by the Department by regulation as a deceptive trade practice.~~

~~—3. If a seller of a vehicle exercises a valid option to cancel the sale of a vehicle to a customer, the seller must provide a disclosure, and the customer must sign that disclosure, before the seller and customer may enter into a new agreement for the sale of the same vehicle on different terms, or for the sale of a different vehicle. The Department shall prescribe the form of the disclosure by regulation.~~

~~—4. All administrative fines collected by the Department pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.~~

~~5. The administrative remedy provided in this section is not exclusive and is in addition to any other remedy provided by law. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.] (Deleted by amendment.)~~

~~Sec. 14. [This act becomes effective on July 1, 2017.] (Deleted by amendment.)~~

Sec. 15. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 30, inclusive, of this act.

Sec. 16. As used in sections 16 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 27, inclusive, of this act have the meanings ascribed in those sections.

Sec. 17. "Consumer" means:

1. A retail buyer who purchases a motor vehicle; or

2. A long-term lessee who leases a motor vehicle,

↪ primarily for personal, family or household use.

Sec. 18. "Creditor" means a lender, dealer or other secured party to a transaction for the purchase of a motor vehicle or the assignee of such a lender, dealer or other secured party.

Sec. 19. "Dealer" has the meaning ascribed to it in NRS 482.020.

Sec. 20. "Electronic tracking technology" means technology that enables the use of a global positioning satellite or similar technology to obtain or record the location of a motor vehicle.

Sec. 21. "Lease" has the meaning ascribed to it in NRS 482.053.

Sec. 22. "Long-term lessee" has the meaning ascribed to it in NRS 482.053.

Sec. 23. "Long-term lessor" has the meaning ascribed to it in NRS 482.053.

Sec. 24. "Retail buyer" has the meaning ascribed to it in NRS 97.085.

Sec. 25. "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

Sec. 26. "Secured party" has the meaning ascribed to it in NRS 104.9102.

Sec. 27. "Starter interruption technology" means technology which can be used to remotely disable the starter of a motor vehicle or to remotely cause an audible sound in a motor vehicle, or both.

Sec. 28. 1. A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not use, install or require to be installed in the motor vehicle any electronic tracking technology for the purpose of ascertaining or recording the location of the motor vehicle unless the:

(a) Consumer agrees in writing to the installation of the electronic tracking technology in the motor vehicle, provided that the agreement is optional and not a required condition of the retail installment contract or lease; or

(b) Creditor or long-term lessor provides to the consumer, before the signing of the retail installment contract or lease, written notification in a document that is separate from the contract or lease and may be retained by

the consumer, that the motor vehicle is equipped with electronic tracking technology that may be used by the creditor or lessor:

(1) To verify and maintain the operational status of the electronic tracking technology;

(2) To service the contract or lease; or

(3) To locate the vehicle for repossession as provided by this section or by any other provision of law.

2. A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not install in the motor vehicle or use starter interruption technology unless, before the signing of the contract or lease the consumer and the creditor or long-term lessor enter into a written agreement, in a document that is separate from the contract or lease, a copy of which may be retained by the consumer and for which the consumer must provide written acknowledgment of receipt, that the motor vehicle is equipped with starter interruption technology. The agreement must provide that:

(a) The vehicle is equipped with starter interruption technology which may only be used as provided in this subsection.

(b) The starter interruption technology may be used to disable the starter of the motor vehicle remotely if the consumer is in default as provided in the retail installment contract or lease, but in no case sooner than 30 days after the due date of a missed payment by the consumer on the contract or lease.

(c) The use of starter interruption technology to disable the starter of the motor vehicle constitutes constructive repossession for the purposes of applicable law, including, without limitation, chapters 97, 104 and 104A of NRS.

(d) For the purposes of reducing or eliminating the risk of potential injury or harm to the consumer and the health, safety and welfare of the public, starter interruption technology must be designed, installed and operated only to prevent a motor vehicle from being started and must not be used in a way that will:

(1) Disable the motor vehicle while it is being operated;

(2) Turn off the engine when the engine is running; or

(3) Cause an audible warning sound which lasts longer than 20 seconds when the engine is started or turned off.

(e) Not less than 48 hours before the starter interruption technology is engaged, the consumer must be provided with actual notice, in a form and manner clearly stated in the agreement and which may consist of, without limitation, a clear visual signal displayed in a place easily visible to the driver of the motor vehicle.

(f) The consumer will be provided with the name, address and toll-free telephone number of a person who has the authority to have the starter interruption technology activated, deactivated or reinstated, as necessary.

(g) The consumer will be provided with the ability, in the event of an emergency, to start and freely operate the vehicle not less than two times over a 48-hour period after the engagement of the starter interruption technology.

(h) In the event that the retail installment contract or lease for the motor vehicle is assigned to a successor in interest or another secured party, the successor in interest or other secured party must provide the consumer with his or her name, address and toll-free telephone number in a commercially reasonable time and manner.

(i) The consumer must not be charged a fee or incur any cost for the installation or use of the starter interruption technology.

(j) A breach of the agreement by the creditor or long-term lessor constitutes a deceptive trade practice.

3. The provision of this section:

(a) May not be waived by the consumer.

(b) Do not apply to a creditor or long-term lessor who conducts a transaction for the installment sale or long-term lease of a motor vehicle intended for use by a business entity in the course or scope of business.

Sec. 29. 1. A person who manufactures or provides electronic tracking technology devices or starter interruption technology devices shall:

(a) Label each such device with the name of the manufacturer and a unique identifier that is designed to remain legible for the estimated useful life of the device.

(b) Keep records for each device for not less than the estimated useful life of the device that include, without limitation:

(1) The date of manufacture;

(2) The date of sale;

(3) The identity of the original purchaser; and

(4) If known, the identity of the person who initially installed the device.

(c) Provide to any installer of the device specific instructions on the proper installation of the device in a vehicle and retain records showing the exact instructions which were provided with each device, as identified with a unique identifier pursuant to paragraph (a).

(d) If he or she regains possession of a device and resells or provides it to another person, keep the records required pursuant to paragraphs (b) and (c).

2. A person who installs an electronic tracking technology device or a starter interruption technology device in a motor vehicle must:

(a) Hold a certification from the:

(1) Mobile Electronics Certified Professional program or its successor;

or

(2) National Institute for Automotive Service Excellence or its successor.

(b) Keep records of each installation conducted for not less than 3 years. Such records must include, without limitation:

(1) The date of installation;

(2) The unique identifier on each device as required by paragraph (a) of subsection 1; and

(3) A copy of the installation instructions provided by the manufacturer or provider of the device as required by paragraph (c) of subsection 1.

(c) If the installation is at the request of or on behalf of a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in connection with the lease of a motor vehicle, provide a copy of the records required by paragraph (b) to the creditor or lessor or a designee of the creditor or lessor.

3. A person who possesses or obtains telemetry data related to a consumer that is collected by electronic tracking technology or starter interruption technology may not:

(a) Sell any telemetry data.

(b) Provide any telemetry data to any person or entity other than:

(1) The consumer;

(2) A reposessor who is authorized pursuant to section 28 of this act to repossess the motor vehicle from which the telemetry data was obtained; or

(3) A person authorized by law to possess or obtain such telemetry data.

(c) Use any telemetry data for any purpose other than:

(1) As needed to ensure that the electronic tracking technology or starter interruption technology is operating properly, provided that such use is brief and periodic;

(2) To communicate an audible or visible warning to the consumer as authorized in section 28 of this act;

(3) To activate starter interruption technology as authorized in section 28 of this act;

(4) To locate a motor vehicle at the request of the consumer; or

(5) To locate the motor vehicle for repossession as authorized in section 28 of this act.

(d) Retain any telemetry data for a period of more than 180 days after collection of the data.

(e) Fail to erase all electronically stored telemetry data and shred any physical copies of such data not more than 180 days after collection of the data.

4. As used in this section, unless the context otherwise requires:

(a) "Device" means all physical parts and pieces which are required to allow for the operation of electronic tracking technology or starter interruption technology in a motor vehicle.

(b) "Reposessor" has the meaning ascribed to it in NRS 648.015.

(c) "Telemetry data" means any information collected by electronic tracking technology or starter interruption technology, regardless of whether such information is transmitted or retained in the device, and includes, without limitation, information pertaining to the location, speed and motion status of a motor vehicle.

Sec. 30. 1. Any violation of sections 28 and 29 of this act constitute a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

2. A consumer who prevails in an action for a violation of section 28 or 29 of this act by a person who is a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in connection with the lease of a motor vehicle, in addition to any other award or other remedy available pursuant to law, must be awarded the greater of:

(a) Statutory damages pursuant to subsection 3 of NRS 104.9625, if applicable; or

(b) \$1,000.

Sec. 31. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

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

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

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➡ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive,

598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, ~~for~~ 598.840 to 598.966, inclusive, or sections 16 to 30, inclusive, of this act, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➡ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➡ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 32. NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205, ~~and~~ 97.235, ~~and~~ and section 28 of this act, but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

Sec. 33. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 379 makes two changes to Senate Bill No. 350. The amendment deletes section 1 of the bill and replaces with language to regulate the use of starter interruption technology in a retail installment sale or a long-term lease of a motor vehicle to a consumer. It also provides that in a transaction involving a retail installment sale or lease of a motor vehicle; an agreement authorizing the use of electronic-tracking technology and starter-interruption technology must be contained in a separate document.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 357.

Bill read second time.

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

Amendment No. 380.

SUMMARY—Revises provisions governing the use of apprentices on public works. (BDR ~~[53-534]~~, 28-534)

~~AN ACT relating to apprentices; [requiring the State Apprenticeship Council to approve or deny certain written requests submitted by a public body concerning the required use of an apprentice on a public work; authorizing the Council to suspend the right of a contractor on a public work to participate in a program of apprenticeship under certain circumstances;]~~ requiring a ~~[public body that awards a contract for]~~ contractor or subcontractor on a public work to ensure an apprentice performs a certain percentage of the total hours of labor on the public work in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) the creation of the opportunity for persons to obtain training that will equip those persons for profitable employment and citizenship; and (2) the establishment of an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for a public body which sponsors or finances a public work to award a contract to a contractor for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in

connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)

Section 4 of this bill requires ~~[a public body that awards a contract for]~~ each contractor and subcontractor on a public work for which the estimated cost exceeds \$1,000,000 to ensure that an apprentice performs not less than a certain percentage of the total hours of labor on the public work, starting at 3 percent for a contract for horizontal construction [awarded in calendar year 2018], and [rising to 15] 7 percent for a contract for vertical construction awarded in or after calendar year [2022] 2019. Section 4 authorizes the Labor Commissioner to: (1) adopt, with the approval of the State Apprenticeship Council, regulations revising such percentage requirements each calendar year; and (2) impose a monetary penalty for the failure of a contractor or subcontractor to comply with the requirement to use apprentices on a public work for the minimum percentage of hours. Section 4 also [imposes that requirement upon the Department of Transportation if the estimated cost of the contract exceeds \$2,000,000.] ;(1) requires a public body to verify a contractor's compliance with the requirements for apprentice labor before awarding a contract for certain public works; (2) requires the public body to grant a preference in bidding for certain bidders who exceed such requirements; and (3) prohibits the award of certain contracts to a contractor or subcontractor who fails to comply with such requirements and to pay all monetary penalties imposed by the Labor Commissioner. In addition, section 4 [:(1) authorizes a public body to submit, pursuant to section 1 of this bill, a request to the Council for a waiver or modification of the requirement to use an apprentice on a public work for the minimum percentage of hours; (2) exempts from the requirement a contractor who cannot, as a result of membership in or affiliation with, or the lack thereof, a labor organization, retain the apprentices necessary to provide the required hours of labor; and (3) authorizes a contractor to submit a request to the Labor Commissioner to waive the requirement if a change in circumstances makes the completion of the public work subject to the requirement impracticable.

~~—Section 3 of this bill authorizes the Council to suspend, for not more than 1 year, the right of any contractor on a public work to participate in a program of apprenticeship if the Council determines that the contractor willfully violated the provisions of the contract concerning the use of an apprentice on the public work for the minimum percentage of hours.~~

~~—Section 5 of this bill expands the definition of "offense" set forth in existing law relating to public works to include the failure by a contractor to ensure that an apprentice is used on a public work for the required number of hours, thereby subjecting the contractor to a possible civil action to recover damages resulting from the commission of the offense and the temporary disqualification of the contractor from an award of a contract for a public work. (NRS 338.010, 338.016, 338.017)~~ requires all money which is collected by the Labor Commissioner for monetary penalties imposed to be distributed to

certain programs of apprenticeship that are approved by the State Apprenticeship Council.

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

Section 1. ~~[Chapter 610 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If, pursuant to section 4 of this act, a public body submits a written request for a waiver or modification of the requirements of that section, the State Apprenticeship Council shall, within 90 days after receiving the request:~~

~~(a) Approve or deny the request in writing; and~~

~~(b) Notify the public body of the approval or denial of the request.~~

~~2. In approving or denying a request submitted pursuant to subsection 1, the State Apprenticeship Council shall:~~

~~(a) Balance the purposes of programs specified in NRS 610.020 and the need for cost effective and efficient completion of public works; and~~

~~(b) Consider:~~

~~(1) Whether a demonstrated lack of qualified apprentices exists in a specific geographic area;~~

~~(2) Whether a disproportionately high ratio of material costs to labor costs for a public work makes the minimum hours of labor required to be performed by an apprentice for the public work unfeasible; and~~

~~(3) Any other information specified by the State Apprenticeship Council.~~

~~3. A decision by the State Apprenticeship Council pursuant to this section is subject to review by the Labor Commissioner pursuant to NRS 607.207.]~~
(Deleted by amendment.)

Sec. 2. ~~[NRS 610.095 is hereby amended to read as follows:~~

~~610.095 The State Apprenticeship Council shall:~~

~~1. Register and approve or reject proposed programs and standards for apprenticeship.~~

~~2. After providing notice and a hearing and for good cause shown, deny an application for approval of a program, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation for any violation of the provisions of this title as specified in regulations adopted by the State Apprenticeship Council.~~

~~3. Approve or deny a written request for a waiver or modification submitted pursuant to section 1 of this act.]~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 610.185 is hereby amended to read as follows:~~

~~610.185 The State Apprenticeship Council [shall]:~~

~~1. Shall suspend for 1 year the right of any employer, association of employers or organization of employees acting as agent for an employer to participate in a program under the provisions of this chapter if the Nevada Equal Rights Commission, after notice and hearing, finds that the employer, association or organization has discriminated against an apprentice because of race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin in violation of this chapter.~~

~~2. May suspend for not more than 1 year the right of any contractor on a public work to participate in a program pursuant to the provisions of this chapter if the State Apprenticeship Council determines that, during any period in which the labor of an apprentice is used on a public work, as required by section 4 of this act, a contractor willfully violated the terms of the contract for the public work, including, without limitation, any ratio of apprentices to journeymen, supervision, wages and methods of work set forth in the contract. As used in this subsection, "public work" has the meaning ascribed to it in NRS 338.010.~~ (Deleted by amendment.)

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~subsections 2 to 5, inclusive, if a public body awards~~ subsection 6, a contractor or subcontractor who performs labor on a public work pursuant to a contract for which the estimated cost exceeds \$1,000,000 ~~[, the public body]~~ shall ensure that an apprentice performs:

(a) For a contract or subcontract for horizontal construction awarded in calendar year ~~2018,~~ 2019 and each calendar year thereafter, not less than 3 percent , or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor on the public work.

(b) For a contract or subcontract for vertical construction awarded in calendar year 2019 ~~+~~ and each calendar year thereafter, not less than ~~6~~ 7 percent , or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor on the public work.

~~(c) For a contract awarded in calendar year 2020, not less than 9 percent of the total hours of labor on the public work.~~

~~(d) For a contract awarded in calendar year 2021, not less than 12 percent of the total hours of labor on the public work.~~

~~(e) For a contract awarded in calendar year 2022 or any calendar year thereafter, not less than 15 percent of the total hours of labor on the public work.~~

~~2. Except as otherwise provided in subsections 3, 4 and 5, if the Department of Transportation awards a contract for which the estimated cost exceeds \$2,000,000, the Department shall ensure that an apprentice performs:~~

~~(a) For a contract awarded in calendar year 2018, not less than 3 percent of the total hours of labor on the public work.~~

~~(b) For a contract awarded in calendar year 2019, not less than 6 percent of the total hours of labor on the public work.~~

~~(c) For a contract awarded in calendar year 2020, not less than 9 percent of the total hours of labor on the public work.~~

~~(d) For a contract awarded in calendar year 2021, not less than 12 percent of the total hours of labor on the public work.~~

~~(e) For a contract awarded in calendar year 2022 or any calendar year thereafter, not less than 15 percent of the total hours of labor on the public work.~~

~~3. A public body may, pursuant to section 1 of this act, submit a written request to the State Apprenticeship Council for a waiver or modification of the requirements of subsection 1 or 2, as applicable. If a public body submits such a request, the public body shall not request bids for or enter into a contract for which the public body submitted the request until the State Apprenticeship Council approves or denies the request pursuant to section 1 of this act.~~

~~4. 2. Except as otherwise provided in subsection 6, before awarding a contract for a public work for which the estimated cost exceeds \$1,000,000, a public body must verify whether each contractor who bids on the contract:~~

~~(a) For the preceding year, complied with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or~~

~~(b) Has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.~~

~~3. Except as otherwise provided in subsection 6, for the purpose of awarding a contract for a public work for which the estimated cost exceeds \$1,000,000, the bid submitted by a contractor shall be deemed to be 1 percent lower than the bid actually submitted for every percentage point by which the contractor, for the preceding year, exceeded the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable. The preference described in this subsection may not exceed a total of 5 percent.~~

~~4. Except as otherwise provided in subsection 6, a public body may not award a contract for a public work for which the estimated cost exceeds \$1,000,000 to a contractor unless the contractor:~~

~~(a) For the preceding year, complied with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or~~

~~(b) Has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.~~

~~5. Except as otherwise provided in subsection 6, on or after January 1, 2020, a contractor on a public work for which the estimated cost exceeds \$1,000,000 may not award a subcontract on that public work to a subcontractor if:~~

~~(a) The project which the subcontractor is proposing to perform is estimated to constitute 5 percent or more of the total hours of labor of the public work; and~~

~~(b) The subcontractor failed to:~~

~~(1) For the preceding year, comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or~~

(2) Pay all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.

6. The provisions of subsections 1 ~~and 2~~ to 5, inclusive, do not apply to ~~it~~:

~~(a) A contractor engaged on a public work who cannot retain the apprentices necessary to meet the requirements of subsection 1 or 2, as applicable, as a result of membership in or affiliation with any labor organization or the lack of such membership or affiliation.~~

~~5. Except as otherwise provided in this subsection, each contractor engaged on a public work requiring the use of apprentices pursuant to this section shall ensure that an apprentice is used on the public work for at least the minimum percentage of hours of labor required for the public work. A contractor may submit a written request to the Labor Commissioner to waive the requirements of this section if a change in circumstances makes the completion of the public work using the apprentices required pursuant to this section impracticable. The Labor Commissioner may, for good cause shown, grant a request submitted pursuant to this subsection.~~

~~6. or subcontractor which proposes to perform, or has been awarded a contract to perform, horizontal construction on a public work and which employs fewer than 25 employees; or~~

~~(b) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, vertical construction on a public work and which employs fewer than 6 employees.~~

7. Each calendar year, the Labor Commissioner shall:

(a) Determine the percentage of total hours of labor which were performed by apprentices on each public work for which the estimated cost exceeded \$1,000,000;

(b) Determine whether each applicable contractor or subcontractor who performed labor pursuant to a contract for a public work described in paragraph (a) complied with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable;

(c) If applicable, determine the number of hours by which each contractor or subcontractor failed to comply with those requirements; and

(d) Impose on a contractor or subcontractor a monetary penalty, payable to the Labor Commissioner, for any failure of the contractor or subcontractor, as applicable, to comply with those requirements as follows:

(1) For a contract to perform horizontal construction on a public work on or after February 1, 2019:

(I) A contractor or subcontractor for whom apprentices performed 2 percent or more, but less than 3 percent, of the total hours of labor on the public work is required to pay \$2 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(II) A contractor or subcontractor for whom apprentices performed 1 percent or more, but less than 2 percent, of the total hours of labor on the public work is required to pay \$4 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(III) A contractor or subcontractor for whom apprentices performed less than 1 percent of the total hours of labor on the public work is required to pay \$6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(2) For a contract to perform vertical construction on a public work on or after February 1, 2019:

(I) A contractor or subcontractor for whom apprentices performed 4 percent or more, but less than 7 percent, of the total hours of labor on the public work is required to pay \$2 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(II) A contractor or subcontractor for whom apprentices performed 2 percent or more, but less than 4 percent, of the total hours of labor on the public work is required to pay \$4 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(III) A contractor or subcontractor for whom apprentices performed less than 2 percent of the total hours of labor on the public work is required to pay \$6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

8. All money which is collected by the Labor Commissioner for monetary penalties imposed pursuant to subsection 7 must be:

(a) Distributed only to programs of apprenticeship that are registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS; and

(b) Used only for the recruitment, education and training of apprentices and placement of apprentices in employment.

9. During each calendar year beginning on or after January 1, 2020, the Labor Commissioner may, with the approval of the State Apprenticeship Council, adopt regulations to revise by not less than 2 percentage points the percentage of total hours of labor on a public work which must be performed by apprentices for the following calendar year.

10. As used in this section ~~f, "apprentice"~~ :

(a) "Apprentice" has the meaning ascribed to it in NRS 610.010.

(b) "Horizontal construction" means the construction of any fixed work other than vertical construction except as specifically provided herein, including, without limitation, fixed work relating to irrigation, drainage, water supply, flood control, a harbor, a railroad, a highway, a tunnel, a sewer, a sewage disposal plant or water treatment facility and any ancillary vertical construction which is a component thereof, a bridge, an inland waterway, a pipeline for the transmission of petroleum or any other liquid or gaseous substance, a pier and any fixed work incidental thereto. The term includes the construction of an airport or airway, but does not include the construction of any terminal or other building of an airport or airway.

(c) "Vertical construction" means the construction or remodeling of any building, structure or other improvement which is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and any improvement appurtenant thereto.

Sec. 5. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; ~~for~~

(d) Comply with subsection 5 or 6 of NRS 338.070 ~~for~~; or

(e) *Ensure that an apprentice is used on a public work for the minimum amount of hours of labor required pursuant to section 4 of this act.*

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➡ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➡ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

- (a) A contractor and a subcontractor or supplier; or
- (b) A subcontractor and another subcontractor or supplier,
 ↪ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 6. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~[-]~~, *and section 4 of this act.*

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, ~~and~~ *except section 4 of this act*, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than \$5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 6.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864 ~~[-]~~ *and section 4 of this act*, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➡ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6.7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446 ~~to~~ and section 4 of this act, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

↪ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 7. The amendatory provisions of this act do not apply to a contract for a public work that is awarded before ~~January~~ February 1, ~~[2018.] 2019.~~

Sec. 8. This act becomes effective on January 1, 2018.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 380 makes five changes to Senate Bill No. 357. The amendment deletes sections 1 through 3 of the bill. It provides that contractors and subcontractors on a public work ensure that an apprentice performs a certain percentage of total hours of labor on the public work; requires a public body to verify a contractor's compliance with the requirements for apprentice labor before awarding a contract; a public body must grant a preference in bidding for certain bidders who exceed such requirements; public body is prohibited from awarding certain contracts to a contractor or subcontractor who fails to comply with the requirements in the bill and pay all monetary penalties imposed by the Labor Commissioner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 435.

SUMMARY—Revises provisions relating to the protection of older persons, vulnerable persons and persons in need of a guardian. (BDR 15-965)

AN ACT relating to the protection of certain persons; revising the definitions of the terms "abuse" and "exploitation" as they relate to prohibited acts against an older person or a vulnerable person; revising provisions relating to immunity from civil or criminal liability for certain acts; increasing the maximum term of imprisonment for a person who commits certain acts against an older person or a vulnerable person that result in substantial bodily or mental harm to or the death of the person; revising the penalties for committing certain subsequent acts against an older person or a vulnerable person; establishing the Wards' Bill of Rights; requiring each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to perform certain actions to ensure the Wards' Bill of Rights is available to the public; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines various terms for purposes of the provisions of law relating to the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. (NRS 200.5092) Section 1 of this bill revises the definitions of the terms "abuse" and "exploitation" to include additional acts which constitute an offense.

Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; (2) submits information contained in such a report to the licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. (NRS 200.5096) Section 2 of this bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject

of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. (NRS 200.5099) Section 3 of this bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. Section 3 also revises the penalties for certain offenses relating to the neglect or exploitation of an older person or a vulnerable person and provides that the commission of a second or subsequent offense is punishable as a category B felony.

Existing law establishes provisions governing the appointment of a guardian for a ward. (Chapter 159 of NRS) Section 6 of this bill establishes the Wards' Bill of Rights, which sets forth certain specific rights of wards. Section 7 of this bill requires each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to: (1) make the Wards' Bill of Rights readily available to the public; (2) maintain a copy of the Wards' Bill of Rights in the court for reproduction and distribution to the public; and (3) ensure that the Wards' Bill of Rights is posted in a conspicuous place in the court and on the court's Internet website.

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

Section 1. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person ~~to~~; or

(f) *Permitting an older person or a vulnerable person to be placed in a situation in which any of the acts described in paragraphs (a) to (d), inclusive, are likely to occur.*

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; ~~or~~

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property ~~to~~; or

(c) *Deny adequate food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.*

➡ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary

to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

↪ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. "Older person" means a person who is 60 years of age or older.

7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons. The services may include:

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 2. NRS 200.5096 is hereby amended to read as follows:

200.5096 ~~{Immunity}~~

1. *Except as otherwise provided in subsection 2, immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:*

~~{1.}~~ (a) Participates in the making of a report;

~~{2.}~~ (b) Causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; or

~~{3.}~~ (c) Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

2. *The immunity provided in subsection 1 does not extend to any person who has:*

(a) *Abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.5099;*

(b) *Conspired with another to commit abuse, exploitation or isolation of the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.50995; or*

(c) *Aided and abetted in or was an accessory to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person who is the subject of the report or investigation or the conspiracy to commit abuse, exploitation or isolation of the older person or vulnerable person.*

Sec. 3. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For ~~any~~ *the second and all subsequent* ~~offense~~ *offenses* or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

↪ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who ~~is~~:

~~—(a) Neglects~~ *neglects* the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering ~~is~~

~~—(b) Permits~~ *, permits* or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering ~~is~~ or

~~—(c) Permits~~ *permits* or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect ~~is~~

↪ ~~is~~ *is* guilty :

(a) *For the first offense*, of a gross misdemeanor ; or

(b) *For the second and all subsequent offenses*, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

↪ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished ~~is~~ :

(a) *For the first offense*, if the value of any money, assets and property obtained or used:

~~[(a)]~~ (1) Is less than \$650, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment;

~~[(b)]~~ (2) Is at least \$650, but less than \$5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment; or

~~[(c)]~~ (3) Is \$5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment ~~[-]~~; or

(b) *For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,*

➡ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished :

(a) *For the first offense, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment ~~[-]~~ ; or*

(b) *For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,*

➡ *unless a more severe penalty is prescribed by law for the act which brought about the exploitation.*

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$5,000 ~~[-]~~ ,

➡ *unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.*

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the

state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~6~~ 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 4. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. *Section 6 of this act may be cited as the Wards' Bill of Rights.*

Sec. 6. 1. *The Legislature hereby declares that, except as otherwise specifically provided by law, each proposed ward has the right to have an attorney before a guardianship is imposed to ask the court for relief, and each ward has the right to:*

(a) *Have an attorney at any time during a guardianship to ask the court for relief.*

(b) *Receive notice of all guardianship proceedings and all proceedings relating to a determination of capacity unless the court determines that the ward lacks the capacity to comprehend such notice.*

(c) Receive a copy of all documents filed in a guardianship proceeding.

~~[(c)]~~ *(d) Have a family member, an interested party or a medical provider speak or raise any issues of concern on behalf of the ward during a court hearing, either orally or in writing, including, without limitation, issues relating to a conflict with a guardian.*

~~[(d) Ask]~~

(e) Be educated about guardianships and ask questions and express concerns and complaints about a guardian and the actions of a guardian, either orally or in writing.

~~[(e)]~~ (f) Participate in developing a plan for his or her care, including, without limitation, managing his or her assets and personal property and determining his or her residence and the manner in which he or she will ~~live~~ ~~receive services~~.

(g) Have due consideration given to his or her current and previously stated personal desires, preferences for health care and medical treatment and religious and moral beliefs.

~~[(g)]~~ (h) Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.

~~[(h)]~~ (i) Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship ~~for~~

~~[(i)]~~ , and exercise control of all aspects of his or her life that are not delegated to a guardian specifically by a court order.

(j) Engage in any activity that the court has not expressly reserved for a guardian, including, without limitation, voting, marrying or entering into a domestic partnership, traveling, working and having a driver's license.

(k) Be treated with respect and dignity.

~~[(k)]~~ (l) Be treated fairly by his or her guardian.

~~[(l)]~~ (m) Maintain privacy and confidentiality in personal matters.

~~[(m)]~~ (n) Receive telephone calls and personal mail and have visitors, unless his or her guardian and the court determine that particular correspondence or a particular visitor will cause harm to the ward.

~~[(n)]~~ (o) Receive timely, effective and appropriate health care and medical treatment that does not violate his or her rights.

~~[(o)]~~ (p) Have all services provided by a guardian at a reasonable rate of compensation and have a court review any requests for payment to avoid excessive or unnecessary fees or duplicative billing.

~~[(p)]~~ (q) Receive prudent financial management of his or her property and regular detailed reports of financial accounting, including, without limitation, reports on any investments or trusts that are held for his or her benefit and any expenditures or fees charged to his or her estate.

~~[(q)]~~ (r) Receive and control his or her salary, maintain a bank account and manage his or her personal money.

(s) Ask the court to:

(1) Review the management activity of a guardian if a dispute cannot be resolved.

(2) ~~[(Terminate)]~~ Continually review the need for a guardianship or modify or terminate a guardianship.

(3) Replace the guardian.

(4) Enter an order restoring his or her capacity at the earliest possible time.

2. *The rights of a ~~proposed~~ ward set forth in subsection 1 do not abrogate any remedies provided by law. All such rights may be addressed in a guardianship proceeding or be enforced through a private right of action.*

Sec. 7. Each court shall:

1. *Make the Wards' Bill of Rights readily available to the public;*
2. *Maintain a copy of the Wards' Bill of Rights in the court for reproduction and distribution to the public; and*
3. *Ensure that the Wards' Bill of Rights is posted:*
 - (a) *In a conspicuous place, in at least 12-point type, in the court; and*
 - (b) *On the Internet website of the court.*

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

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

2. Sections 4 to 8, inclusive, of this act become effective:

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

(b) On January 1, 2018, for all other purposes.

3. Sections 1, 2 and 3 of this act become effective on October 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 435 to Senate Bill No. 360 revises the provisions of the bill containing the Ward's Bill of Rights.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 278.

SUMMARY—~~[Prohibits certain entities from taking action against persons who engage in certain lawful activities relating to marijuana.]~~ Revises provisions relating to the use of marijuana or industrial hemp. (BDR 40-185)

AN ACT relating to ~~[marijuana]~~ cannabis; revising the medical conditions for which a person may obtain a registry identification card; prohibiting a professional licensing board from taking disciplinary action against a licensee who holds a registry identification card or engages in certain lawful activities relating to marijuana; ~~[prohibiting an employer from taking adverse action against an employee for expressing opinions relating to marijuana; providing a penalty;]~~ authorizing the use of a marijuana-infused product or product containing industrial hemp by a provider of health care or massage therapist on a patient or client; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to obtain a registry identification card to engage in the medical use of marijuana if, in addition to other requirements,

the person submits valid, written documentation from the person's attending physician stating that the person has been diagnosed with a chronic or debilitating medical condition. (NRS 453A.210) Section 1 of this bill includes opioid addiction within the definition of "chronic or debilitating medical condition." (NRS 453A.050)

Existing law prohibits a professional licensing board from taking disciplinary action against a person licensed by the board on the basis that the person engages in the medical use of marijuana or acts as a designated primary caregiver for a person who holds a registry identification card or letter of approval. (NRS 453A.510) Section ~~1.1~~ 1.5 of this bill prohibits a professional licensing board from taking disciplinary action against a person licensed by the board on the basis that the person holds a validly issued registry identification card or engages in lawful activity, pursuant to the person's licensed profession, relating to the medical use of marijuana or to a registered medical marijuana establishment. Section 2 of this bill prohibits a professional licensing board from taking disciplinary action on the basis that the person engages in lawful activity, pursuant to the person's licensed profession, relating to: (1) the recreational use of marijuana; or (2) a licensed marijuana establishment.

~~[Existing law makes it an unlawful employment practice for an employer to take adverse action against an employee or prospective employee on the basis of the employee's lawful use of any product outside the premises of the employer during the employee's nonworking hours, if the use does not adversely affect work performance or the safety of other employees. (NRS 613.233) Section 3 of this bill prohibits an employer from taking adverse action against an employee or prospective employee who expresses an opinion relating to marijuana.]~~

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) Section 3.3 of this bill authorizes a provider of health care or massage therapist to: (1) administer a marijuana-infused product or a similar product containing industrial hemp for topical use on human skin to a patient or client if the patient or client provides the product for administration; (2) maintain a supply of products containing industrial hemp for topical use on human skin and administer such a product to a patient or client upon request; and (3) recommend the use of marijuana or industrial hemp by a patient or client to treat a condition. Section 3.3 also exempts a provider of health care or massage therapist from certain crimes for making such an administration or recommendation. Finally, section 3.3 prohibits a professional licensing board from taking disciplinary action against a provider of health care or massage therapist for making such an administration or recommendation.

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

Section 1. NRS 453A.050 is hereby amended to read as follows:
453A.050 "Chronic or debilitating medical condition" means:

1. Acquired immune deficiency syndrome;
2. Cancer;
3. Glaucoma;
4. Opioid addiction;
5. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (a) Cachexia;
 - (b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;
 - (c) Seizures, including, without limitation, seizures caused by epilepsy;
 - (d) Severe nausea; or
 - (e) Severe pain; or
- ~~5.~~ 6. Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the Division; or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

~~[Section 1.]~~ Sec. 1.5. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; ~~for~~

2. *The person holds a registry identification card issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220;*

3. *The person engages in any lawful activity, pursuant to the person's licensed profession, which:*

(a) *Is authorized by this chapter; or*

(b) *Relates to a medical marijuana establishment which is registered with the Division pursuant to this chapter; ~~for~~*

4. *If the person is a provider of health care, as defined in NRS 629.031, the person advises a patient about the possible risks and benefits of the medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the patient's chronic or debilitating medical condition, if the advice is based on the person's personal assessment of the patient's medical history and current medical condition; or*

5. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card or letter of approval issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 2. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

A professional licensing board shall not take any disciplinary action against any person licensed by the board on the basis that, pursuant to the person's

licensed profession, the person engages in or has engaged in any lawful activity which:

1. Is authorized by this chapter; or
2. Relates to a marijuana establishment which is licensed pursuant to this chapter.

Sec. 3. ~~[Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who expresses an opinion relating to marijuana.~~

~~2. As used in this section, "expresses an opinion relating to marijuana" includes, without limitation, any verbal or written statement relating to marijuana or any association with or membership or participation in any group which advocates for or against the legal use of marijuana.] (Deleted by amendment.)~~

Sec. 3.3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care or massage therapist may:

(a) Administer a marijuana-infused product or a product containing industrial hemp which is intended for topical use on human skin, including, without limitation, an ointment, oil or lotion, to a patient or client if the patient or client provides the product to the provider of health care or massage therapist to administer to the patient or client;

(b) Maintain a supply of products containing industrial hemp which are intended for topical use on human skin and administer such a product to a patient or client upon request; and

(c) Recommend to a patient or client the use of marijuana or industrial hemp to treat a condition.

2. A provider of health care or massage therapist who administers a marijuana-infused product or a product containing industrial hemp or recommends the use of marijuana or industrial hemp pursuant to subsection 1 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana or industrial hemp;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana or industrial hemp;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or industrial hemp or the possession or delivery of paraphernalia is an element.

↳ for such an administration or recommendation.

3. A professional licensing board shall not take any disciplinary action against a provider of health care or massage therapist licensed by the board on the basis that the person has administered a marijuana-infused product or a product containing industrial hemp or recommended the use of marijuana or industrial hemp pursuant to subsection 1.

4. As used in this section:

(a) "Industrial hemp" has the meaning ascribed to it in NRS 557.040.

(b) "Marijuana" has the meaning ascribed to it in NRS 453.096.

(c) "Marijuana-infused product" has the meaning ascribed to it in NRS 453A.112.

(d) "Massage therapist" means a person who is licensed to engage in the practice of massage therapy pursuant to chapter 640C of NRS.

(e) "Paraphernalia" has the meaning ascribed to it in NRS 453A.125.

Sec. 3.7. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) ~~Prescribes~~ Except as otherwise provided in section 3.3 of this act, prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060; or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

- (a) The person's name, business address and telephone number;
- (b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;
- (c) The nature of the wellness services to be provided;
- (d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and
- (e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➡ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or meditative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reflexology and Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 278 to Senate Bill No. 374 includes opioid addiction within the definition of "chronic or debilitating medical condition" for the purposes of obtaining a medical-marijuana registry-identification card; and authorizes a provider of health care or massage therapist to administer a marijuana-infused product or a similar product containing industrial hemp for topical use on human skin to a patient or client if the patient or client provides the product; maintain a supply of products containing industrial hemp for topical use on human skin and administer such a product to a patient or client upon request recommend the use of marijuana or industrial hemp by a patient or client to treat a condition; exempts a provider of health care or massage therapist from certain crimes for making such an administration or recommendation, and prohibits a professional licensing board from taking disciplinary action against a provider of health-care or massage therapist for making such an administration or recommendation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 483.

SUMMARY—Revises provisions ~~[which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle under certain circumstances.]~~ relating to animals. (BDR 15-100)

AN ACT relating to animals; revising provisions which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle under certain circumstances; requiring an animal control officer to take possession of and provide shelter and care for an animal being treated cruelly under certain circumstances; authorizing an animal control officer to take possession of any animals or other property used in fights among animals under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the animal. Exceptions are provided for certain animals used by or in the possession of certain law enforcement, animal control or search and rescue personnel or certain persons who are actively engaged in hunting or related activities. Certain peace officers, animal control personnel and other public safety personnel are authorized to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. A person who violates that prohibition is guilty of a misdemeanor. A cat or dog removed from a motor vehicle under these circumstances is deemed an animal being treated cruelly, and the law enforcement officer or other person rendering emergency services who removed the cat or dog is extended the same immunity from liability for his or her actions that is conferred upon law enforcement or animal control personnel who are required to seize animals which are being treated cruelly. (NRS 574.055, 574.195)

A similar existing law prohibits a parent, legal guardian or other person responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving that child in a motor vehicle if: (1) the conditions present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys are in the ignition. Exceptions are provided if: (1) the child is being supervised by and within the sight of a person who is at least 12 years of age; or (2) the person responsible for the child unintentionally locks a motor vehicle with the child in the vehicle. A person who violates that prohibition is guilty of a misdemeanor. A law enforcement officer or other person rendering emergency services may, without incurring

civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle. (NRS 202.575)

Section 5 of this bill repeals the provisions of existing law which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle. Section 3 of this bill reenacts those provisions with certain revisions based upon the provisions of existing law related to leaving a child unattended in a motor vehicle ~~if~~, excepting the provision regarding leaving a cat or dog in the motor vehicle with the motor running. Section 3 also provides that certain persons are authorized, without incurring civil liability, to use any reasonable means necessary to protect the cat or dog and to remove the cat or dog from the motor vehicle. Section 2 of this bill adds a definition of the term "motor vehicle" to chapter 202 of NRS to apply to both the new section added by section 3 of this bill and the similar existing law that applies to children. Section 4 of this bill amends the existing law that applies to children to remove the definition made superfluous by section 2.

Existing law requires any peace officers and officers of a society for the prevention of cruelty to animals who are authorized to make arrests to take possession of animals being treated cruelly. (NRS 574.055) Section 4.3 of this bill requires animal control officers to take such possession, and removes that requirement for officers of a society for the prevention of cruelty to animals who are authorized to make arrests. Existing law also authorizes peace officers authorized to make arrests to take possession of any animals or other property being used in fights among animals under certain circumstances. (NRS 574.080) Section 4.7 of this bill extends that authority to animal control officers.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in NRS 202.575 and section 3 of this act, unless the context otherwise requires, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.*

Sec. 3. 1. *Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle if ~~if~~:*

~~*(a) Conditions, if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the cat or dog. ~~if~~, or*~~
~~*(b) The engine of the motor vehicle is running,*~~
~~*unless there is a person who is at least 12 years of age present in the motor vehicle with the cat or dog.*~~

2. ~~*[A law enforcement] Any:*~~

~~*(a) Peace officer for other person rendering emergency services;*~~

~~*(b) Animal control officer;*~~

~~*(c) Governmental officer or employee whose primary duty is to ensure public safety;*~~

(d) Employee or volunteer of any organized fire department; or
(e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff.

↪ who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the cat or dog and to remove the cat or dog from the motor vehicle.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. A person required by NRS 574.055 to take possession of a cat or dog removed pursuant to this section may take any action relating to the cat or dog specified in NRS 574.055 and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. The provisions of this section do not:

(a) Interfere with or prohibit any activity, law or right specified in NRS 574.200; or

(b) Apply to a person who unintentionally locks a motor vehicle with a cat or dog in the motor vehicle.

6. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

7. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 574.050.

(b) "First responder" has the meaning ascribed to it in NRS 574.050.

(c) "Police animal" has the meaning ascribed to it in NRS 574.050.

Sec. 4. NRS 202.575 is hereby amended to read as follows:

202.575 1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:

(a) The conditions present a significant risk to the health and safety of the child; or

(b) The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,

↪ unless the child is being supervised by and within the sight of a person who is at least 12 years of age.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor. The court may suspend the proceedings against a person who is

charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that the person has successfully completed an educational program satisfactory to the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.

3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle.

4. No person may be prosecuted under this section if the conduct would give rise to prosecution under any other provision of law.

5. The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.

~~[6. As used in this section, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.]~~

Sec. 4.3. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or animal control officer ~~[of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040]~~ shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 4.7. NRS 574.080 is hereby amended to read as follows:

574.080 1. Any peace officer or animal control officer authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals.

2. The officer shall state to the person in charge thereof, at the time of such taking, his or her name and residence, and also the time and place at which the application provided for by NRS 574.090 will be made.

Sec. 5. NRS 574.195 is hereby repealed.

Sec. 6. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

574.195 Allowing cat or dog to remain unattended in motor vehicle during period of extreme heat or cold unlawful; removal of animal; exceptions; immunity from liability; penalty.

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

- (a) Peace officer;
- (b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;
- (c) Animal control officer;
- (d) Governmental officer or employee whose primary duty is to ensure public safety;
- (e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

↪ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization;

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency;

(c) A dog that is under the possession or control of a person who:

(1) Is actively engaged in hunting a species of game mammal or game bird during the season for hunting that species of game mammal or game bird;

(2) Is using the dog for the purpose set forth in subparagraph (1); and

(3) Holds a license or tag to hunt that species of game mammal or game bird during that season; or

(d) A dog that is participating in:

(1) Training exercises relating to hunting; or

(2) Field trials relating to hunting.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 483 to Senate Bill No. 409 provides that certain public employees and volunteers whose work relates to animals or public safety may use any reasonable means necessary to protect a dog or cat and remove it from a vehicle. It also provides that any peace officer or animal control officer is required to take possession of an animal that is being treated cruelly or is being used in fights with other animals and removes this duty from an officer of a society for the prevention of cruelty to animals.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 437.

Bill read second time.

The following amendment was proposed by Senator Atkinson:

Amendment No. 582.

SUMMARY—Revises provisions relating to physical therapy. (BDR 54-483)

AN ACT relating to physical therapy; ~~revising the definition of the practice of physical therapy;~~ changing the name of the State Board of Physical Therapy Examiners to the Nevada Physical Therapy Board; authorizing the Board to appoint nonvoting advisory members to the Board; authorizing the Board to issue citations for certain violations; changing the designation of physical therapists' assistants and physical therapists' technicians; revising the membership and duties of the Board; requiring the Board to elect certain officers annually; amending provisions governing the supervision and authorized activities of physical therapist technicians; exempting certain providers of health care from the provisions governing the practice of physical therapy; revising terminology concerning the education of physical therapists and physical therapist assistants; combining similar provisions governing physical therapists and physical therapist assistants; authorizing the licensure by endorsement of physical therapist assistants; removing the requirement that the Board administer an examination to applicants for a license as a physical therapist; revising provisions prohibiting the use of certain names, titles and initials related to the practice of physical therapy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides for the licensure and regulation of physical therapists and physical therapist assistants. (Chapter 640 of NRS) With certain exceptions, existing law prohibits a person from practicing physical therapy unless the person holds a license issued by the State Board of Physical Therapy Examiners. (NRS 640.029, 640.169) Section 2 of this bill revises the definition of the services that constitute the practice of physical therapy to include the examination and evaluation of clients who have certain health conditions related to physical movement and certain other services. Thus, under section 2, a person must hold a license issued by the Board to perform these services unless the person is exempt from the provisions of existing law governing physical therapists.]~~

Existing law establishes the State Board of Physical Therapy Examiners to regulate physical therapists and physical therapist assistants. (NRS 640.030) Section 29 of this bill repeals the requirement of existing law that the Board itself examine applicants for licensure as physical therapists, but sections 10 and 23 of this bill leave in place existing requirements that applicants for licensure as physical therapists or physical therapist assistants pass an examination designated by the Board. (NRS 640.080, 640.230) Section 1.5 of this bill changes the name of the Board to the Nevada Physical Therapy Board to reflect that the Board no longer administers, but merely designates, the examinations.

Sections 1.2 and 4 of this bill authorize the Board to appoint nonvoting advisory members. Additionally, section 4: (1) revises the membership of the Board to include a physical therapist assistant; and (2) clarifies that the Board

is subject to the provisions of law governing meetings of public bodies. Section 5 of this bill requires the Board to elect new officers annually and specifies the officers whom the Board is required to elect. Section 6 of this bill clarifies that only voting members of the Board are entitled to compensation. Section 7 of this bill revises the duties of the Board. Section 9 of this bill removes a requirement that the Board deposit administrative fines with the State Treasurer for credit in the State General Fund and instead requires the Board to deposit such fines directly in the State General Fund.

Existing law authorizes the Board to impose disciplinary action, after notice and a hearing, against a licensee who commits certain violations. (NRS 640.160) Section 1.3 of this bill authorizes the Board to issue a citation for certain violations of statute or regulation. Section 1.4 of this bill allows a person to whom a citation has been issued to contest the citation in a hearing conducted according to the provisions of law governing contested cases.

Existing law exempts from the law governing the licensure and regulation of physical therapists an occupational therapist, occupational therapy assistant and athletic trainer who is licensed to practice his or her profession in this State, practices within the scope of his or her profession and does not represent that he or she is a physical therapist or physical ~~(therapist's)~~ therapist assistant or is practicing physical therapy. (NRS 640.029) Section 3 of this bill extends this exemption to any provider of health care who is licensed to practice his or her profession in this State, who acts within the scope of his or her profession and who does not represent that he or she is a physical therapist or physical ~~(therapist's)~~ therapist assistant or is practicing physical therapy.

Existing law authorizes the Board to adopt regulations concerning treatments and other regulated procedures which may be performed by a physical therapist technician. (NRS 640.050) A physical therapist must provide immediate supervision of a physical therapist technician while the technician performs treatments related to physical therapy. (NRS 640.310) Sections 7 and 26 of this bill instead require the Board to adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist. Section 1.6 of this bill clarifies that a physical therapist who is supervising a physical therapist technician must be present on-site.

Section 1.7 of this bill clarifies the definition of the term "physical therapist." Sections 1.8, 1.9, 2.5-4, 7, 18, 19, 21 and 23-26 of this bill standardize the terminology used to refer to physical therapist assistants and physical therapist technicians.

Existing law requires an applicant for a license as a physical therapist or physical therapist assistant to have completed an educational curriculum approved by the Board. (NRS 640.080, 640.230) Sections 10 and 23 of this bill instead require the applicant to have completed a program of professional education for physical therapists or physical therapist assistants, as applicable, that has been approved by the Board.

Existing law provides similar procedures for licensing physical therapists and physical therapist assistants. (NRS 640.090-640.110, 640.150, 640.250-640.270, 640.280) Existing law also authorizes a person to: (1) obtain a temporary license to practice as a physical therapist or physical therapist assistant to assist in a medical emergency without examination; and (2) work without a license under the supervision of a physical therapist while satisfying clinical education requirements. (NRS 640.120, 640.275) Sections 11-14, 17 and 29 of this bill combine and remove the duplication of those provisions.

Existing law prescribes the requirements for licensure by endorsement of a physical therapist who is licensed in another state. (NRS 640.145, 640.146) Sections 15 and 16 of this bill extend those provisions to physical therapist assistants. Section 29 repeals duplicative provisions authorizing the Board to license without examination a physical therapist or physical therapist assistant who is licensed in another state.

Existing law provides that a person who does not hold a license issued by the Board is guilty of a misdemeanor if he or she practices physical therapy or holds himself or herself out as a physical therapist or physical ~~therapist's~~ therapist assistant. (NRS 640.169, 640.170, 640.175) Section ~~14~~ 20 of this bill provides that a business entity that holds itself out as providing services constituting the practice of physical therapy is guilty of a misdemeanor unless those services are provided by or under the supervision of a licensed physical therapist. Sections ~~14~~ 20 and ~~15~~ 21 of this bill further authorize the Board to impose certain penalties on a person who violates this provision, including, without limitation, an administrative penalty of not more than \$5,000. Finally, sections ~~14~~ 20 and ~~15~~ 21 require physical therapists and physical ~~therapists'~~ therapist assistants to use a certain designation.

Existing law authorizes the Board to seek an injunction in district court against a person who has engaged or is about to engage in an act that violates or will violate a provision of existing law governing physical therapists. (NRS 640.210) Section ~~16~~ 22 of this bill provides that if the Board is seeking an injunction against a person improperly holding himself or herself out as a licensed physical therapist or physical ~~therapist's~~ therapist assistant or as practicing physical therapy, the Board must only show that the person violated existing law to establish that immediate and irreparable injury, loss or damage will result from the person's continued action.

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
- (b) A physician assistant;
- (c) A dentist;
- (d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A ~~registered~~ licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractor;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or

(bb) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 1.1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. The Board may, by majority vote, select any person, including, without limitation, a physical therapist or physical therapist assistant, to serve as an advisory member of the Board. The Board shall prescribe the term and duties of any advisory member it selects pursuant to this section. An advisory

member may not vote on any matter before the Board. Advisory members serve without compensation.

Sec. 1.3. 1. After conducting an inspection pursuant to NRS 640.050, a member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated:

(a) Subsection 3 of NRS 640.110;

(b) Any regulation of the Board that requires a licensee to provide his or her address to the Board, display his or her license or a copy thereof, practice only under the name listed on his or her license or document in the record of a patient any treatment provided to the patient; or

(c) Any regulation of the Board establishing requirements for the supervision of an unlicensed person by a physical therapist or limiting the number of persons who may be supervised by a physical therapist.

2. A citation issued pursuant to this section may include, without limitation, an order to:

(a) Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:

(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and

(2) Specifically describe the corrective action to be taken.

(b) Pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.

(c) Reimburse the Board for any expenses incurred to investigate the violation, in an amount not to exceed \$150.

3. Any administrative fine imposed pursuant to this section must be:

(a) For a first violation, in the amount prescribed by regulation of the Board, which must be not less than \$100 or more than \$500;

(b) For a second violation, in the amount prescribed by regulation of the Board, which must be not less than \$250 or more than \$1,000; and

(c) For a third violation and for each additional violation, in the amount determined by the Board after the licensee appears before the Board.

4. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

Sec. 1.4. 1. Except as otherwise provided in this subsection, to contest a citation issued pursuant to section 1.3 of this act, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation. The Board may, for good cause shown, extend the time to submit a request for a hearing.

2. If the person to whom a citation is issued files a timely written request for a hearing to contest the citation:

(a) The Board shall provide notice of and conduct the hearing in accordance with this chapter and the provisions of chapters 233B and 622A of NRS governing the adjudication of contested cases.

(b) At the hearing, the licensee may contest, without limitation:

(1) The facts forming the basis for the determination that the licensee has committed an act which constitutes a violation of a provision described in section 1.3 of this act;

(2) The time allowed to take any corrective action ordered;

(3) The amount of any administrative fine ordered;

(4) The amount of any payment ordered to reimburse the Board for the expenses incurred to investigate the violation; and

(5) Whether any corrective action described in the citation is reasonable.

3. If a person to whom a citation is issued pursuant to section 1.3 of this act does not file timely a written request for a hearing to contest the citation, the citation shall be deemed a final order of the Board and any assessed fine deemed due and payable and any corrective action deemed required.

4. For the purposes of this section, a citation issued pursuant to section 1.3 of this act shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person;
or

(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 1.5. NRS 640.013 is hereby amended to read as follows:

640.013 "Board" means the ~~[State Board of]~~ Nevada Physical Therapy ~~[Examiners.]~~ Board.

Sec. 1.6. NRS 640.016 is hereby amended to read as follows:

640.016 "Immediate supervision" means that a person is present *on-site* and immediately available within the treatment area to give aid, direction and instruction to the person he or she is supervising.

Sec. 1.7. NRS 640.021 is hereby amended to read as follows:

640.021 "Physical therapist" means a person who is licensed *as such* in accordance with the provisions of this chapter.

Sec. 1.8. NRS 640.0213 is hereby amended to read as follows:

640.0213 "Physical ~~[therapist's]~~ therapist assistant" means a person who assists in the practice of physical therapy under the supervision of a licensed physical therapist and who is licensed under the provisions of this chapter.
~~[The term is synonymous with "physical therapist assistant."]~~

Sec. 1.9. NRS 640.0216 is hereby amended to read as follows:

640.0216 "Physical ~~[therapist's]~~ therapist technician" means an unlicensed person who performs certain limited activities at the direction of the physical therapist.

Sec. 2. ~~[NRS 640.024 is hereby amended to read as follows:~~

~~640.024 "Practice of physical therapy":~~

~~1. Includes:~~

~~—(a) The examination and evaluation of clients with physiological and developmental impairments, functional limitations and disabilities or other health conditions relating to physical movement;~~

~~—(b) The performing and interpreting of tests and measurements as an aid to evaluation or treatment;~~

~~—[(b)] (c) The planning of initial and subsequent programs of treatment on the basis of the results of tests; [and~~

~~—(c)] (d) The administering of treatment through the use of therapeutic exercise and massage, the mobilization of joints by the use of [therapeutic exercise without chiropractic adjustment, mechanical devices, and [therapeutic biophysical agents which employ the properties of air, water, electricity, sound and radiant energy [.]];~~

~~—(e) The reduction of the risk to a client of injury, impairment, functional limitation or disability, including, without limitation, the promotion and maintenance of the fitness, health and wellness of a client; and~~

~~—(f) The incorporation into the treatment of a client the safe and appropriate use of physical agents, modalities and techniques which have been acquired through a curriculum of physical therapy approved by the Board pursuant to subsection 2 of NRS 640.080 or a program of continuing education required pursuant to subsection 3 of NRS 640.150.~~

~~—2. Does not include:~~

~~—(a) [The] Engaging in acts of medical diagnosis ; [of physical disabilities;]~~

~~—(b) The use of roentgenic rays or radium;~~

~~—(c) The use of electricity for cauterization or surgery; [or]~~

~~—(d) The occupation of a masseur who massages only the superficial soft tissues of the body [.] ; or~~

~~—(e) The performance of a chiropractic adjustment, as defined in NRS 634.014.] (Deleted by amendment.)~~

Sec. 2.5. NRS 640.026 is hereby amended to read as follows:

640.026 "Supervising physical therapist" means a physical therapist who supervises a physical ~~therapist's~~ therapist assistant ~~for~~ , a physical ~~therapist's~~ therapist technician ~~for~~ , a student who is completing a program for physical therapists or physical therapist assistants or a graduate of such a program.

Sec. 3. NRS 640.029 is hereby amended to read as follows:

640.029 1. This chapter does not apply to ~~[an occupational therapist, occupational therapy assistant or athletic trainer]~~ a provider of health care who:

~~[1.]~~ (a) Is licensed to practice in this state;

~~[2.]~~ (b) Practices within the scope of that license; and

~~[3.]~~ (c) Does not use any letters, words or insignia listed in NRS 640.170 or 640.175 in connection with his or her name or otherwise represent that he or she is a physical therapist or physical ~~therapist's~~ therapist assistant, or that he or she practices physical therapy.

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 4. NRS 640.030 is hereby amended to read as follows:

640.030 1. The ~~[State Board of]~~ Nevada Physical Therapy ~~[Examiners,]~~ Board, consisting of five members appointed by the Governor, and any nonvoting advisory members appointed by the Board pursuant to section 1.2 of this act, is hereby created.

2. The Governor shall appoint:

(a) ~~[Four]~~ Three members who are licensed physical therapists in the State of Nevada.

(b) One member who is a licensed physical therapist assistant in the State of Nevada.

(c) One member who is a representative of the general public. This member must not be:

(1) A physical therapist ~~[,]~~ or a physical ~~[therapist's]~~ therapist assistant ; ~~[or a physical therapist's technician,]~~ or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a physical therapist ~~[,]~~ or a physical ~~[therapist's]~~ therapist assistant . ~~[or a physical therapist's technician,]~~

3. No member of the Board may serve more than two consecutive terms.

4. The Governor may remove any voting member of the Board for incompetency, neglect of duty, gross immorality or malfeasance in office.

5. A majority of the voting members of the Board constitutes a quorum.

6. No member of the Board may be held liable in a civil action for any act which he or she has performed in good faith in the execution of his or her duties under this chapter.

7. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

Sec. 5. NRS 640.035 is hereby amended to read as follows:

640.035 ~~[The]~~ At the first meeting of each fiscal year, the Board shall elect a Chair ~~[and other officers]~~ , a Vice Chair and a Secretary-Treasurer from among its members.

Sec. 6. NRS 640.045 is hereby amended to read as follows:

640.045 1. Each voting member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 7. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall ~~[examine and license qualified physical therapists and qualified physical therapist's assistants.]~~ :

(a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

(b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;

(c) Investigate any complaint filed with the Board against a licensee; and

(d) Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical ~~[therapist's]~~ therapist assistants and physical ~~[therapist's]~~ therapist technicians.

~~[(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.]~~

3. The Board shall ~~[keep]~~ prepare and maintain a record of its proceedings ~~[and a register of all persons licensed under the provisions of this chapter. The register must show:]~~

~~— (a) The name of every living licensee;~~

~~— (b) The last known place of business and residence of each licensee;~~

~~— (c) The date and number of each license issued as a physical therapist or physical therapist's assistant.]~~ , including, without limitation, any disciplinary proceedings.

4. ~~[During September of every year in which renewal of a license is required, the]~~ The Board shall [compile] maintain a list of licensed physical therapists authorized to practice physical therapy and physical ~~[therapist's]~~ therapist assistants licensed to assist in the practice of physical therapy in this State. ~~[Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.]~~

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical ~~[therapist's]~~ therapist assistant and inspect ~~[it]~~ the premises to determine whether a violation of any

provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical ~~[therapist's]~~ therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 8. NRS 640.060 is hereby amended to read as follows:

640.060 For the ~~[purpose]~~ purposes of NRS 640.080, ~~it~~ and 640.230, the Board shall approve any school or ~~[educational curriculum]~~ program of professional education for physical therapists and physical therapist assistants taught at a school if the school is accredited by an accrediting agency recognized by the Board.

Sec. 9. NRS 640.070 is hereby amended to read as follows:

640.070 1. All fees collected under this chapter must be deposited by the Board in banks, credit unions or savings and loan associations in the State of Nevada.

2. All expenses incident to the operation of this chapter must be paid from the revenue derived therefrom.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative fines therefor. If the Board so delegates its authority, the Board may deposit the money from the fines in banks, credit unions or savings and loan associations in this State for the support of the Board. In addition, the hearing officer or panel may assess a licensee against whom disciplinary action is taken any costs and fees incurred by the Board as a result of the hearing. The money from the reimbursed costs and fees may also be deposited for use by the Board.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall deposit the money collected from the imposition of administrative fines ~~[with the State Treasurer for credit to]~~ in the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 10. NRS 640.080 is hereby amended to read as follows:

640.080 Except as otherwise provided in NRS 640.145 and 640.146, to be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;
2. Have graduated from a school in which he or she completed a ~~[curriculum of]~~ program of professional education for physical ~~[therapy]~~ therapists approved by the Board; and
3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120. ~~[for 640.140.]~~

Sec. 11. NRS 640.090 is hereby amended to read as follows:

640.090 1. Unless he or she is entitled to licensure under NRS 640.120, ~~640.140,~~ 640.145 or 640.146, a person who desires to be licensed as a physical therapist or physical therapist assistant must:

(a) Apply to the Board, in ~~writing, on a~~ the form ~~furnished~~ prescribed by the Board;

(b) Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 or 640.230, as applicable, other than having passed the examination;

(c) Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed \$300 ~~for a license as a physical therapist or \$200 for a license as a physical therapist assistant~~;

(d) Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit other documentation and proof the Board may require; and

(f) Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640.146, the Board shall collect not more than one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

Sec. 12. NRS 640.095 is hereby amended to read as follows:

640.095 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a physical therapist or physical therapist assistant shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a physical therapist or physical therapist assistant shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a physical therapist or physical therapist assistant may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 13. NRS 640.110 is hereby amended to read as follows:

640.110 1. The Board shall license as a physical therapist or physical therapist assistant each applicant who proves to the satisfaction of the Board his or her qualifications for licensure.

2. The Board shall issue to each applicant who proves to the satisfaction of the Board his or her qualification for licensure ~~the~~ :

(a) As a physical therapist, a license as a physical therapist. The license authorizes the applicant to represent himself or herself as a licensed physical therapist and to practice physical therapy in the State of Nevada subject to the conditions and limitations of this chapter.

(b) As a physical therapist assistant, a license as a physical therapist assistant. The license authorizes the applicant to represent himself or herself as a licensed physical therapist assistant and to practice as a licensed physical therapist assistant subject to the conditions and limitations of this chapter.

3. Each physical therapist shall display his or her current license in a location which is accessible to the public.

4. The Board may charge a fee, not to exceed \$25, ~~to replace a lost license or~~ to change a name on a license.

5. A license as a physical therapist assistant remains valid while a supervising physical therapist continues to supervise the physical therapist assistant.

Sec. 14. NRS 640.120 is hereby amended to read as follows:

640.120 1. The Board may issue, without examination, a license to practice ~~as a physical therapist~~ therapist or physical therapist assistant for a period not to exceed 6 months to any person who meets all the other qualifications set forth in NRS 640.080 ~~[, except subsection 3 thereof,] or 640.230, as applicable~~, upon certification that the person has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency. Issuance of the temporary license is subject to such fees, not to exceed \$100, and conditions as the Board may require.

2. A student ~~[of physical therapy is not required to be licensed during his or her clinical training if the work is done under the direct supervision of a licensed physical therapist.]~~ who is enrolled in a program of professional education for physical therapists or physical therapist assistants approved by the Board is not required to be licensed to work under the supervision of a physical therapist who is present on-site to satisfy a requirement of that program.

3. A person who has applied for licensure as a physical therapist or physical therapist assistant and who meets the qualifications set forth in NRS 640.080 ~~or 640.230~~, except subsection 3 ~~thereof~~, of NRS 640.080 or subsection 4 of NRS 640.230, as applicable, is temporarily exempt from licensure and may practice physical therapy or as a physical therapist assistant, as applicable, during the period of the temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required ~~pursuant to~~ by NRS ~~640.100~~, 640.080 or 640.230, as applicable;

(c) The person has not previously failed an examination for licensure as a physical therapist ~~or~~ or physical therapist assistant;

(d) The person practices physical therapy or as a physical therapist assistant, as applicable, under the supervision of a licensed physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice physical therapy or as a physical therapist assistant, as applicable, during the period of the temporary exemption.

4. The temporary exemption authorized by subsection 3 begins on the date on which the Board notifies the person that he or she may practice physical therapy or as a physical therapist assistant, as applicable, under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:

(a) Shall not use as his or her title or professional credentials any words, letters or insignia except for the words "graduate of physical therapy ~~or~~," "P.T.A." or "Physical Therapist Assistant," as applicable.

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist ~~or~~ or licensed physical therapist assistant, as applicable.

Sec. 15. NRS 640.145 is hereby amended to read as follows:

640.145 1. The Board may issue a license by endorsement as a physical therapist or physical therapist assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist or physical therapist assistant, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~for~~ and is not currently being investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a physical therapist ~~or~~ or physical therapist assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~(as a physical therapist)~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~(as a physical therapist)~~ to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement ~~(as a physical therapist)~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~or~~ his or her designee. Such an action shall be deemed to be an action of the Board.

Sec. 16. NRS 640.146 is hereby amended to read as follows:

640.146 1. The Board may issue a license by endorsement as a physical therapist or physical therapist assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist or physical therapist assistant in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~for~~ *and is not currently being* investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist ~~or physical therapist assistant~~; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~(as a physical therapist)~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~(as a physical therapist)~~ to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ➔ whichever occurs later.

4. A license by endorsement ~~(as a physical therapist)~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~or his or her designee~~. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist *or physical therapist assistant, as applicable*, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 17. NRS 640.150 is hereby amended to read as follows:

640.150 1. A license to practice *as a physical therapist or physical therapist assistant* expires ~~on July 31 of each year. A~~ *1 year after the date of its issuance or on the date prescribed by the Board, whichever is later. Except as otherwise provided in subsection 2, a physical therapist or physical therapist assistant may renew a license before its expiration upon:*

(a) Presentation of proof of completion of a program of continuing ~~education~~ competency as required by subsection 3;

(b) Payment of a renewal fee established by the Board; and

(c) Submission of all information required to complete the renewal.

2. A license ~~[that is not renewed before July 31 of each year]~~ may be renewed within 30 days after the date it expires. An expired license that is not renewed in a timely manner may be reinstated, at the discretion of the Board, upon:

(a) Payment of the ~~[annual renewal fee and the annual expiration]~~ reinstatement fee established by regulation of the Board for each year or portion thereof that the license is expired; and

(b) ~~[Submission]~~ Satisfaction of [all information required to complete] the requirements for renewal ~~[+]~~ prescribed by subsection 1.

3. The Board shall require licensed physical therapists and physical therapist assistants to complete a program of continuing ~~education~~ competency as a requirement for the renewal of licenses. The Board shall, by regulation ~~[+]~~

~~—(a) Prescribe the curriculum;~~

~~—(b) Approve the courses of study or training; and~~

~~—(c) Establish the fees;~~

~~→~~ establish requirements for the program ~~[+]~~ of continuing competency, which may include a requirement that any provider of such a program must be approved by the Board.

4. The Board ~~[may, pursuant to subsection 3,]~~ :

(a) Shall establish a fee for an expired license, to be paid for each year or portion thereof that the license is expired.

(b) May establish a fee of not more than \$150 to consider approval of a [course] program of [study or training] continuing competency.

Sec. 18. NRS 640.1605 is hereby amended to read as follows:

640.1605 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a physical therapist or physical ~~[therapist's]~~ therapist assistant, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license as a physical therapist or physical ~~[therapist's]~~ therapist assistant that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended

has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. NRS 640.1695 is hereby amended to read as follows:

640.1695 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical ~~therapist's~~ therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.

~~{Sec. 4.}~~ Sec. 20. NRS 640.170 is hereby amended to read as follows:

640.170 1. A person who is licensed under this chapter as a physical therapist shall use the words or letters "P.T." or "Physical Therapist" immediately following his or her name when representing himself or herself as a licensed physical therapist.

2. A person who is not licensed under this chapter as a physical therapist, or whose license has been suspended, revoked or has expired and who uses in connection with his or her name the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," or any other letters, words or insignia indicating or implying that the person is a licensed physical therapist, or who in any other way, orally, or in writing, or in print, by sign, directly or by implication, represents himself or herself as a licensed physical therapist, is guilty of a misdemeanor.

3. A sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization shall not:

(a) Use in connection with its name or business activities the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," "physical therapy," or any other letters, words or insignia indicating or implying that the sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization provides, through employees, agents, independent contractors or representatives, services constituting the practice of physical therapy; or

(b) Represent in any other way, orally, or in writing, or in print, by sign, directly or by implication, that the sole proprietorship, corporation, limited-liability company, association or partnership provides services constituting the practice of physical therapy,

↪ unless the services constituting the practice of physical therapy are provided by or under the supervision of a licensed physical therapist. A sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization that violates this subsection is guilty of a misdemeanor.

4. In addition to any criminal penalty that may be imposed for a violation of subsection 2 or 3, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 or 3 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

~~{Sec. 5.}~~ Sec. 21. NRS 640.175 is hereby amended to read as follows:

640.175 1. A person who is licensed under NRS 640.230 to 640.290, inclusive, as a physical ~~{therapist's}~~ therapist assistant shall use the words or letters "P.T.A." or "Physical ~~{Therapist's}~~ Therapist Assistant" immediately following his or her name when representing himself or herself as a licensed physical ~~{therapist's}~~ therapist assistant.

2. Any person:

~~{1.}~~ (a) Who is not licensed ~~{under NRS 640.230 to 640.290, inclusive,}~~ as a physical ~~{therapist's}~~ therapist assistant;

~~{2.}~~ (b) Whose license has been suspended or revoked; or

~~{3.}~~ (c) Whose license has expired and has not been reinstated,

➡ and who uses in connection with his or her name the words or letters "P.T.A." or "Physical ~~{Therapist's}~~ Therapist Assistant," or any other letters, words or insignia indicating or implying that he or she is a licensed physical ~~{therapist's}~~ therapist assistant, or who in any other way, orally, or in writing, or in print, by sign, directly, or by implication, represents himself or herself as a licensed physical ~~{therapist's}~~ therapist assistant, is guilty of a misdemeanor.

3. In addition to any criminal penalty that may be imposed for a violation of subsection 2, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and

desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

~~{Sec. 6.}~~ Sec. 22. NRS 640.210 is hereby amended to read as follows:

640.210 1. The Board shall investigate every supposed violation of this chapter coming to its notice and shall report to the proper district attorney all cases that in the judgment of the Board warrant prosecution.

2. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. ~~{Proceedings}~~ *Except as otherwise provided in subsection 3, proceedings* under this subsection shall be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking shall be required in any action commenced by the Board.

3. *In obtaining an injunction or any other order to restrain any conduct which constitutes or will constitute a violation of subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175, the Board must only show that the person engaging or about to engage in the conduct violated subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175 to establish that immediate and irreparable injury, loss or damage will result from the continued action of the person.*

Sec. 23. NRS 640.230 is hereby amended to read as follows:

640.230 ~~{To}~~ *Except as otherwise provided in NRS 640.145 and 640.146, to* be eligible for licensing by the Board as a physical ~~{therapist's}~~ *therapist* assistant, an applicant must:

1. Be at least 18 years old.

2. Be of good moral character.

3. ~~{Have graduated from an approved high school.}~~

~~4.}~~ Have completed ~~{an educational curriculum}~~ *a program of professional education* approved by the Board for a physical ~~{therapist's}~~ *therapist* assistant.

~~{5.}~~ 4. Pass an examination designated by the Board or be entitled to licensing without examination as provided in NRS ~~{640.270 or 640.275.}~~ *640.120.*

Sec. 24. NRS 640.240 is hereby amended to read as follows:

640.240 1. For the purposes of NRS 640.230, the Board shall not approve any ~~[educational curriculum]~~ program of professional education for a physical ~~[therapist's]~~ therapist assistant unless the ~~[curriculum]~~ program includes elementary or intermediate courses in clinical, anatomical, biological and physical sciences and is:

(a) At least a 2-year program requiring a minimum of 60 academic semester credits at a college accredited by a recognized accrediting agency; or

(b) A ~~[curriculum]~~ program which is provided by the Armed Forces of the United States.

2. The Board may refuse to approve any ~~[educational curriculum]~~ program of professional education for physical ~~[therapist's]~~ therapist assistants if the ~~[curriculum]~~ program does not include such courses in theory and procedures as determined by the Board to be necessary for these assistants.

Sec. 25. NRS 640.290 is hereby amended to read as follows:

640.290 A person licensed as a physical ~~[therapist's]~~ therapist assistant may assist in the practice of physical therapy only under the direct supervision of a supervising physical therapist, as regulated by the Board and subject to the conditions and limitations of ~~[NRS 640.175] this chapter and [640.230 to 640.290, inclusive.] any regulations adopted pursuant thereto.~~

Sec. 26. NRS 640.310 is hereby amended to read as follows:

640.310 ~~[1.] The Board shall adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist.~~ A physical therapist shall provide immediate supervision of a physical ~~[therapist's]~~ therapist technician while the technician performs ~~[treatments related to physical therapy which have been directed by the physical therapist.]~~

~~2. As used in this section, "treatment" does not include secretarial, clerical or housekeeping activities, the transportation of a patient or the dressing or undressing of a patient.] any such activity.~~

Sec. 27. Any regulations adopted before October 1, 2017, by the State Board of Physical Therapy Examiners pursuant to NRS 640.050 concerning the treatments and other regulated procedures which may be performed by a physical therapist technician remain in effect until the Nevada Physical Therapy Board adopts regulations pursuant to NRS 640.310, as amended by section 26 of this act, to replace those regulations.

Sec. 28. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is charged by this act for the name which the agency, officer or instrumentality previously used.

Sec. 29. NRS 640.100, 640.140, 640.250, 640.255, 640.260, 640.270, 640.275 and 640.280 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

640.100 Examination and reexamination of applicants; prohibition on participation in preparing, conducting or grading examination.

640.140 Licensing of physical therapist licensed in another state or territory.

640.250 Application for license: Contents; fees.

640.255 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board.

640.260 Issuance and display of license; fee for replacement of lost license or to change name; duration of validity of license.

640.270 Licensing of physical therapist's assistant licensed in another state or territory.

640.275 Temporary license for medical emergency; temporary exemptions from licensing for certain students and applicants.

640.280 Renewal, expiration and reinstatement of license; continuing education; fees.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 582 makes seven changes to Senate Bill No. 437. The amendment further defines "practice of physical therapy." It makes changes to the State Board of Physical Therapy Examiners, including changing the name, appointment of members to the Board and election of officers. It also revises provisions governing the supervision and authorized activities of physical-therapist technicians; exempts certain health-care providers from the provisions governing the practice of physical therapy; combines similar provisions governing physical therapists and physical-therapist assistants; authorizes licensure by endorsement of physical-therapist assistants; and removes the requirement that the Board administer an exemption to applicants for a license as a physical therapist.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 596.

SUMMARY—Authorizes certain local governments to increase diesel taxes under certain circumstances. (BDR 32-1002)

AN ACT relating to taxation; authorizing boards of county commissioners in certain smaller counties to impose an additional tax on diesel fuel; authorizing ~~(certain)~~ persons who use diesel fuel in motor vehicles operated or intended to operate interstate to request and obtain reimbursement for the tax paid on diesel fuel consumed outside this State ~~(+)~~ under certain circumstances; enacting provisions governing the distribution of the portion of the proceeds of the tax on diesel fuel reserved by the Department of Motor Vehicles to pay

reimbursement for the tax; revising provisions governing the projects for which certain smaller counties may use the proceeds of an additional tax on diesel fuel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) Under existing law, a board of county commissioners of a county whose population is 100,000 or more (currently Clark and Washoe Counties) is authorized, under certain circumstances, to impose county taxes on motor vehicle fuel and various special fuels used in motor vehicles. (NRS 373.030, 373.066, 373.0663) However, a board of county commissioners of a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) is authorized to impose county fuel taxes only on motor vehicle fuel. (NRS 373.030, 373.065) Section ~~1.1~~ 1.7 of this bill authorizes the board of county commissioners of a county whose population is less than 100,000 to impose a tax on special fuel that consists of diesel fuel sold in the county in an amount not to exceed 5 cents per gallon. Under section 1.7, an ordinance imposing such a tax must be adopted by a two-thirds majority of the board. A tax imposed pursuant to section ~~1.1~~ 1.7 would be administered, allocated, disbursed and used in the same manner as certain existing fuel taxes. (Chapter 373 of NRS) Section 1.5 of this bill includes highway truck parking, as defined in section 1 of this bill, as a project for which a county whose population is less than 100,000 is authorized to use the proceeds of the tax on diesel fuel authorized by section 1 and issue revenue bonds secured by those proceeds. (NRS 373.028, 373.131)

The Department of Motor Vehicles is a party to the International Fuel Tax Agreement, a multistate agreement which facilitates the calculation and collection of certain fuel taxes from interstate trucking companies and others who use special fuel (primarily diesel fuel) in vehicles operated or intended to operate interstate. (NRS 366.175) Existing law: (1) authorizes certain special fuel users to file with the Department a request for reimbursement of amounts owed to the special fuel user as a result of the Department's entering into the International Fuel Tax Agreement and the imposition of a tax on special fuels consumed outside this State; and (2) requires the Department to adopt regulations establishing a system to provide for the reimbursement of a person who files such a request. (NRS 373.083) Section 3 of this bill authorizes a person who pays a tax imposed pursuant to section ~~1.1~~ 1.7 in a county in which the total number of gallons of diesel fuel sold in the county in the immediately preceding fiscal year is 10,000,000 gallons or more to file such a request and obtain from the Department a reimbursement of the tax on diesel fuel which is consumed outside this State.

Under existing regulations, for the purpose of paying reimbursements to special fuel users who file requests for reimbursement with the Department, the Department establishes a trust account for a county for which reimbursements are paid and deposits 20 percent of the amount of taxes

collected for the county in that trust account. Money in the trust account of a county must be used to pay requests for reimbursement of the tax imposed in the county which are approved by the Department, and any money remaining in the trust account after the payment of such reimbursements, including all accrued interest, must be distributed to the county for which the trust account was created. (NAC 373.160) Section 3 requires the Department to establish a trust account for a county which imposes the tax on diesel fuel authorized by section 1.7 and in which the total number of gallons of diesel fuel sold in the county in the immediately preceding fiscal year is 10,000,000 gallons or more. Section 3 also provides that under certain circumstances, a portion of the money in the trust account for such a county may be distributed to the Department of Transportation for use to construct, maintain or repair, or any combination thereof, highway truck parking in the county.

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

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

"Highway truck parking" means a parking area with easy access to or from a highway which is designated for a truck having a gross weight of more than 10,000 pounds, in the course of the operation of the truck or during periods of mandated rest for the operator of the truck.

Sec. 1.3. NRS 373.020 is hereby amended to read as follows:

373.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 373.0205 to 373.029, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.

Sec. 1.5. NRS 373.028 is hereby amended to read as follows:

373.028 "Project" means:

1. In a county whose population is 100,000 or more, street and highway construction, including, without limitation, the acquisition and improvement of any street, avenue, boulevard, alley, highway or other public right-of-way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, and also, including, without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights-of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators, and traffic control equipment, and all appurtenances and incidentals, or any combination thereof, including, without limitation, the acquisition and improvement of all types of property therefor.

2. In a county whose population is less than 100,000, street and highway construction, maintenance or repair, or any combination thereof, including, without limitation, the acquisition, maintenance, repair and improvement of highway truck parking or any street, avenue, boulevard, alley, highway or other public right-of-way used for any vehicular traffic, and including a

sidewalk designed primarily for use by pedestrians, and also, including, without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights-of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators, and traffic control equipment, and all appurtenances and incidentals, or any combination thereof, including, without limitation, the acquisition, maintenance, repair and improvement of all types of property therefor.

~~{Section 1.}~~ Sec. 1.7. NRS 373.030 is hereby amended to read as follows:

373.030 1. In any county for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to NRS 278.150, the board may by ordinance impose a tax on motor vehicle fuel, except aviation fuel and leaded racing fuel, sold in the county in an amount not to exceed 9 cents per gallon.

2. *In a county whose population is less than 100,000 and for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to NRS 278.150, the board may by ordinance impose a tax on special fuel that consists of diesel fuel sold in the county in an amount not to exceed 5 cents per gallon. An ordinance authorized by this subsection must be approved by a two-thirds majority of the members of the board. Any proposal to increase the rate of the tax must be approved by a two-thirds majority of the board but such an increase must not cause the amount of the tax to exceed 5 cents per gallon.*

3. A tax imposed pursuant to ~~{this section}~~ subsection 1 is in addition to other motor vehicle fuel taxes imposed pursuant to the provisions of chapter 365 of NRS.

~~{3.}~~ A tax imposed pursuant to subsection 2 is in addition to other special fuel taxes imposed pursuant to the provisions of chapter 366 of NRS.

4. As used in this section:

(a) "Aviation fuel" has the meaning ascribed to it in NRS 365.015.

(b) "Leaded racing fuel" means motor vehicle fuel that contains lead and is produced for motor vehicles that are designed and built for racing and not for operation on a public highway.

Sec. 2. NRS 373.060 is hereby amended to read as follows:

373.060 Any ordinance enacted pursuant to NRS 373.030 must provide that the county ~~{motor vehicle}~~ fuel tax will be imposed on the first day of the second calendar month following the enactment of the ordinance.

Sec. 3. NRS 373.083 is hereby amended to read as follows:

373.083 1. A person who uses special fuel in a motor vehicle operated or intended to operate interstate and who pays any tax imposed on ~~{special}~~ :

(a) Special fuels pursuant to NRS ~~{373.030,}~~ 373.066, 373.0663 or 373.066733 ~~{may}~~ ; or

(b) Special fuel that consists of diesel fuel pursuant to subsection 2 of NRS 373.030 in a county in which the total number of gallons of diesel fuel sold in the county during the immediately preceding fiscal year, as determined by the Department, is 10,000,000 gallons or more,

➡ may file with the Department a request for reimbursement of any amounts owed to the person as a result of the Department entering into an agreement pursuant to NRS 366.175 and the imposition, pursuant to subsection 2 of NRS 373.030, ~~for~~ or NRS 373.066, 373.0663 or 373.0667, of any tax on special fuels which are consumed outside this State.

2. The Department shall adopt regulations establishing a system to provide for the reimbursement and the auditing of the records of a person who files a request for reimbursement pursuant to subsection 1. The system established by the Department:

(a) Must authorize a person who uses special fuel in motor vehicles operated or intended to operate interstate to file a request for reimbursement as provided in subsection 1;

(b) Must provide that the Department will determine the eligibility for reimbursement of a person who files a request for reimbursement pursuant to subsection 1 before the Department will authorize the reimbursement;

(c) Must provide that any reimbursement authorized by the Department be paid from only money received by a county pursuant to any tax imposed on special fuels pursuant to subsection 2 of NRS 373.030, ~~for~~ or NRS 373.066, 373.0663 or 373.0667;

(d) Must provide that the total amount of money which must be paid by any county in any fiscal year to reimburse any amounts owed to persons who use special fuel in motor vehicles operated or intended to operate interstate must not exceed 20 percent of the total amount of money collected ~~by~~ for that county from any tax imposed on special fuels pursuant to subsection 2 of NRS 373.030, ~~for~~ or NRS 373.066, 373.0663 or 373.0667; and

(e) Must not apply to any tax imposed pursuant to NRS 373.066 during the term of any bonds outstanding on June 12, 2013, secured by those taxes or of any bonds that refund such bonds provided that the term of the refunding bonds is not longer than the term of the refunded bonds.

3. The Department shall charge and collect a fee in an amount not to exceed \$100 for each request for reimbursement filed by a person pursuant to subsection 1. All money from the fees collected by the Department pursuant to this subsection must be deposited in the Local Fuel Tax ~~(Indexing)~~ Fund created by NRS 373.087.

4. The Department and a commission which has been created in a county whose population is 700,000 or more and in which a tax is imposed pursuant to NRS 373.0663 or 373.0667 may enter into an intergovernmental agreement or contract pursuant to which:

(a) The commission agrees to pay for the costs incurred by the Department to establish the system pursuant to subsection 2 and administer the system until the amount of money received by the Department from the fees collected by

the Department pursuant to subsection 3 is sufficient to pay the costs incurred by the Department to administer the system; and

(b) The Department agrees to reimburse the commission for any money paid by the commission pursuant to paragraph (a) from a portion of the money received by the Department from the fees collected by the Department pursuant to subsection 3.

5. For each county in which a tax is imposed pursuant to subsection 2 of NRS 373.030 and in which the total number of gallons of diesel fuel sold in the county during the immediately preceding fiscal year, as determined by the Department, is 10,000,000 gallons or more, the Department shall establish and administer an interest-bearing trust account and deposit into the trust account 20 percent of the total amount of taxes collected for the county pursuant to subsection 2 of NRS 373.030 each month. Except as otherwise provided in this subsection, the Department shall use money deposited by the Department into such a trust account for a county, excluding the amount of any accrued interest, only to pay requests for reimbursement of the tax imposed in the county pursuant to subsection 2 of NRS 373.030 which are submitted to the Department pursuant to subsection 1. If the Department approves requests for reimbursement of the tax imposed in a county pursuant to subsection 2 of NRS 373.030:

(a) In an amount which is not more than 50 percent of the amount deposited by the Department in the trust account during the fiscal year, excluding the amount of any accrued interest, the Department must, at the end of the fiscal year and after the payment of all requests for reimbursement approved by the Department, distribute the balance remaining in the account, including the amount of any accrued interest, as follows:

(1) An amount equal to the difference between 50 percent of the balance remaining in the trust account before the payment of all requests for reimbursement, excluding the amount of any accrued interest, and the amount of all requests for reimbursement paid by the Department must be distributed to the Department of Transportation and used by the Department of Transportation only to construct, maintain or repair, or any combination thereof, highway truck parking in the county.

(2) Any balance remaining in the trust account after the payment of all requests for reimbursement approved by the Department and the distributions required by subparagraph (1), including any accrued interest, must be transmitted to the county in accordance with NRS 373.080.

(b) In an amount which exceeds 50 percent, but does not exceed 100 percent, of the amount deposited in the trust account during the fiscal year, excluding any accrued interest, the balance remaining in the trust account after the payment of all requests for reimbursement approved by the Department, including the amount of any accrued interest, must be transmitted to the county in accordance with NRS 373.080.

(c) In an amount which exceeds the amount of money deposited into the trust account of the county during the fiscal year, excluding any accrued

interest, the Department must pay the approved requests for reimbursement on a pro rata basis and distribute any accrued interest to the county in accordance with NRS 373.080. For the purposes of this paragraph, "pro rata basis" means that the amount of each request for reimbursement approved by the Department will be proportionally reduced by multiplying the amount of reimbursement approved by the ratio of the total amount of money deposited into the trust account during the fiscal year, exclusive of interest, divided by the total amount of requests for reimbursement approved by the Department.

6. As used in this section, "special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 3.5. NRS 373.087 is hereby amended to read as follows:

373.087 1. The Local Fuel Tax ~~(Indexing)~~ Fund is hereby created as an enterprise fund. The Department shall deposit in the Fund all fees collected by the Department pursuant to subsection 3 of NRS 373.083. The Director of the Department shall administer the Fund.

2. Money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. Money deposited in the Fund must only be expended:

(a) To administer the system established by the Department pursuant to NRS 373.083; and

(b) To reimburse a commission for any amounts paid by the commission pursuant to an intergovernmental agreement or contract entered into pursuant to subsection 4 of NRS 373.083.

4. The Director may maintain a reserve of not more than \$500,000 in the Fund. The reserve must be accounted for separately in the Fund and must only be expended to administer the system established by the Department pursuant to NRS 373.083.

5. Any balance remaining in the Fund at the end of any fiscal year:

(a) Does not revert to the State General Fund; and

(b) Must be carried forward to the next fiscal year.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 596 to Senate Bill No. 439 adds a provision which requires any ordinance imposing the diesel tax pursuant to the bill must be adopted by a two-thirds majority vote of the Board of County Commissioners. It additionally adds "truck parking" to types of projects for which the diesel-fuel tax proceeds may be used in counties whose population is less than 100,000, currently all counties except Clark and Washoe. It establishes provisions for implementing the International Fuel Tax Agreement refund provisions within rural counties that impose the diesel-fuel tax and sell more than 10 million gallons of diesel-fuel per year.

Finally, it establishes provisions to provide a local funding source for truck parking based on a percentage of the gross diesel-fuel tax revenue collected in each county and the amount of International Fuel Tax Agreement refunds issued in each county.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 251.

SUMMARY—Authorizes tax credits for employers who assist employees in paying for child care. (BDR 32-1006)

AN ACT relating to taxation; authorizing an employer to receive a credit against the payroll taxes imposed on the employer if the employer provides certain monetary assistance to employees for child care; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to make available to businesses in this State information related to worksite wellness and family-friendly policies; ~~making an appropriation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax, commonly known as the modified business tax, on financial institutions and other businesses based on the amount of wages paid to employees each calendar quarter. (NRS 363A.130, 363B.110) Sections 1-4 of this bill entitle an employer to receive a credit against the modified business tax if the employer pays money to ~~an entity under contract with~~ the Division of Welfare and Supportive Services of the Department of Health and Human Services ~~to determine eligibility for child care subsidies,~~ for the purpose of providing child care assistance to an employee ~~who has one or more children under 13 years of age and whose~~ To qualify for the credit, the employee for whom the assistance is provided must: (1) have a household income does not exceed 85 percent of the median income in this State ~~;~~ ; (2) be determined eligible for the Program for Child Care and Development by the Division; (3) use the assistance for the purpose of providing child care to a dependent child who is less than 13 years of age; (4) select a provider of child care who participates in the Quality Rating and Improvement System administered by the Office of Early Learning and Development of the Department of Education; and (5) pay directly to the provider of child care any portion of the cost of the child care that is not covered by the employer. Under sections 1 and 3: (1) the amount of the credit is equal to 50 percent of the amount paid by the employer to the ~~entity under contract with the Department of Health and Human Services~~ Division but the amount of the credit must not exceed ~~(\$2,500)~~ \$5,000 per employee per year; and (2) any unused credits may be carried forward for 5 years. To claim the tax credit, sections 1 and 3 require the employer to notify the ~~entity under contract with the Department of Health and Human Services~~ Division and, upon receipt of that notice, ~~that entity~~ the Division is required to apply to the Department of Taxation for approval of the credit. If the Department of

Taxation approves the application, the ~~[entity under contract with the Department of Health and Human Services]~~ Division is required to: (1) notify the taxpayer of the approval of the credit; and (2) notify the Department of Taxation of payments made to the entity by the taxpayer within 30 days after receipt of the payment. Finally, sections 1 and 3 limit the total amount of credit which may be awarded to taxpayers to: (1) for Fiscal Years 2017-2018 and 2018-2019, \$5,000,000 and \$5,500,000, respectively; and (2) for subsequent fiscal years, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

Section 5 of this bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to make available to businesses in this State information concerning worksite wellness and family-friendly policies, including, without limitation, information concerning the tax credits established by sections 1 and 3.

~~[Section 6 of this bill makes an appropriation from the State General Fund of \$25,000,000 for Fiscal Year 2017-2018 and \$25,000,000 for Fiscal Year 2018-2019 to the Program for Child Care and Development operated by the Division of Welfare and Supportive Services of the Department of Health and Human Services.]~~

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due based on the amount paid by the employer to the ~~[appropriate entity under contract with the Department of Health and Human Services to determine eligibility for child care subsidies]~~ Division for the purpose of assisting an employee ~~[whose household income does not exceed 85 percent of the median household income in this State]~~ who meets the qualifications of subsection 3 in paying for the cost of child care. ~~[for a child who is less than 13 years of age.]~~*

2. No amount paid by an employer for child care assistance pursuant to subsection 1 may qualify for the credit authorized by that subsection if the amount was paid pursuant to a salary reduction plan.

3. To receive the credit authorized by subsection 1, an employee for whom the taxpayer provides assistance in paying for the cost of child care must:

(a) Have a household income that does not exceed 85 percent of the median household income in this State;

(b) Be determined eligible for the Program for Child Care and Development, as defined in NRS 422A.055, by the Division;

(c) Use the child care assistance for a dependent child who is less than 13 years of age;

(d) Select a provider of child care who participates in the Quality Rating and Improvement System administered by the Office of Early Learning and Development of the Department of Education; and

(e) Pay directly to the provider of child care any portion of the cost of child care not paid by the taxpayer.

4. To receive the credit authorized by subsection 1, a taxpayer must ~~notify the appropriate entity under contract with~~ apply to the ~~Department of Health and Human Services to determine eligibility for child care subsidies of~~ Division in the manner prescribed by the Division. The Division shall use the application to verify the taxpayer's intent to qualify for the credit authorized by subsection 1. Upon receipt of the ~~notice,~~ application, the ~~entity~~ Division, after determining that the requirements of subsections 2 and 3 are satisfied, shall apply to the Department of Taxation for approval of the credit authorized by subsection 1. ~~If the entity determines that the taxpayer is qualified for the credit and the employee for whom child care assistance will be provided meets the qualifications set forth in subsection 1.~~ The Department of Taxation shall, within 20 days after receiving an application, approve or deny the application and provide to the ~~entity~~ Division notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of the notice from the Department of Taxation, the ~~entity~~ Division shall provide notice of the approval to the taxpayer.

~~4. An entity under contract with the Department of Health and Human Services to determine eligibility for child care subsidies which receives a payment from a taxpayer who received a notice of approval. If the taxpayer does not make the payment to the Division within 30 days after receiving the notice, the Division shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

5. Upon receipt of a payment from a taxpayer who received a notice of approval, the Division shall ~~provide~~ :

(a) Provide notice of the payment to the Department of Taxation within 30 days after receipt of the payment ~~;~~

~~5.7~~ ; and

(b) Transfer the payment received from the taxpayer directly to the provider of child care.

6. The Department of Taxation shall approve or deny an application for the credit authorized by subsection 1 in the order in which such applications are received. The Department may, for each fiscal year, approve applications for the credits authorized by subsection 1 and subsection 1 of section 3 of this act ~~and approved by the Department is,~~ in an amount not to exceed:

(a) For Fiscal Year 2017-2018, \$5,000,000;

(b) For Fiscal Year 2018-2019, \$5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

~~{6}~~ 7. If a taxpayer applies for and is approved for a credit authorized by subsection 1, the amount of the credit is equal to the amount approved by the Department of Taxation, which must not exceed ~~{1}~~ the lesser of:

(a) Fifty percent of the amount paid to the ~~entity under contract with the Department of Health and Human Services to determine eligibility for child care subsidies~~ Division during the calendar quarter for which the tax is due, for the purpose of assisting an employee who meets the qualifications set forth in subsection ~~{1}~~ 3 in paying for the cost of child care; or

(b) ~~{Two}~~ Five thousand ~~{five hundred}~~ dollars per employee per year.

~~{7}~~ 8. A credit described in this section must not be applied retroactively.

~~{8}~~ 9. If the amount of a credit described in this section exceeds the tax liability of the taxpayer for the calendar quarter in which the credit is claimed, the excess amount of the credit may be carried forward and applied to the tax liability of the taxpayer for the next following calendar quarter or calendar quarters for which the taxpayer has a tax liability, except that any credit or the excess amount of any credit expires on the date that is 5 years after the end of the calendar quarter in which the credit is claimed and must not be applied to any tax liability of the taxpayer incurred on or after that date. If excess amounts of credits for more than one calendar quarter are carried forward by a taxpayer pursuant to this subsection, the excess amount of the credit from the earliest calendar quarter must be applied first.

10. As used in this section, "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 2. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the

commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363A.139, to a credit equal to the amount authorized pursuant to NRS 363A.139 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

6. *An employer who, during the calendar quarter for which a return is filed pursuant to this section, makes a payment of money which qualifies for a credit pursuant to section 1 of this act is entitled to a credit equal to the amount authorized pursuant to section 1 of this act against any tax otherwise due pursuant to this section.*

Sec. 3. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due based on the amount paid to the ~~appropriate entity under contract with the Department of Health and Human Services to determine eligibility for child care subsidies,~~ Division for the purpose of assisting an employee ~~[whose household income does not exceed 85 percent of the median household income in this State]~~ who meets the qualifications of subsection 3 in paying for the cost of child care. ~~[for a child who is less than 13 years of age.]~~*

2. No amount paid by an employer for child care assistance pursuant to subsection 1 may qualify for the credit authorized by that subsection if the amount was paid pursuant to a salary reduction plan.

3. To receive the credit authorized by subsection 1, an employee for whom the taxpayer provides assistance in paying for the cost of child care must:

(a) Have a household income that does not exceed 85 percent of the median household income in this State;

(b) Be determined eligible for the Program for Child Care and Development, as defined in NRS 422A.055, by the Division;

(c) Use the child care assistance for a dependent child who is less than 13 years of age;

(d) Select a provider of child care who participates in the Quality Rating and Improvement System administered by the Office of Early Learning and Development of the Department of Education; and

(e) Pay directly to the provider of child care any portion of the cost of child care not paid by the taxpayer.

4. To receive the credit authorized by subsection 1, a taxpayer must ~~notify the appropriate entity under contract with the Department of Health and Human Services to determine eligibility for child care subsidies or~~ apply to the Division in the manner prescribed by the Division. The Division shall use the application to verify the taxpayer's intent to qualify for the credit authorized by subsection 1. Upon receipt of the ~~notice,~~ application, the ~~entity,~~ Division, after determining that the requirements of subsections 2 and 3 are satisfied, shall apply to the Department of Taxation for approval of the credit authorized by subsection 1. ~~If the entity determines that the employee for whom child care assistance will be provided meets the qualifications set forth in subsection 1,~~ The Department of Taxation shall, within 20 days after receiving an application, approve or deny the application and provide to the ~~entity,~~ Division notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of the notice from the Department of Taxation, the ~~entity,~~ Division shall provide notice of the approval to the taxpayer.

~~[4. An entity under contract with the Department of Health and Human Services to determine eligibility for child care subsidies which receives a payment from a taxpayer who received a notice of approval. If the taxpayer does not make the payment to the Division within 30 days after receiving the notice, the Division shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

5. Upon receipt of a payment from a taxpayer who received a notice of approval, the Division shall ~~provide~~ :

(a) Provide notice of the payment to the Department of Taxation within 30 days after receipt of the payment ~~;~~

~~5.] ; and~~

(b) Transfer the payment received from the taxpayer directly to the provider of child care.

6. The Department of Taxation shall approve or deny an application for the credit authorized by subsection 1 in the order in which such applications are received. The Department may, for each fiscal year, approve applications for the credits authorized by subsection 1 and subsection 1 of section 1 of this act ~~and approved by the Department is:~~ in an amount not to exceed:

(a) For Fiscal Year 2017-2018, \$5,000,000;

(b) For Fiscal Year 2018-2019, \$5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

~~[6.]~~ 7. If a taxpayer applies for and is approved for a credit authorized by subsection 1, the amount of the credit is equal to the amount approved by the Department of Taxation, which must not exceed ~~the~~ the lesser of:

(a) Fifty percent of the amount paid to the ~~entity under contract with the Department of Health and Human Services to determine eligibility for child care subsidies~~ Division during the calendar quarter for which the tax is due, for the purpose of assisting an employee who meets the qualifications set forth in subsection ~~41~~ 3 in paying for the cost of child care; or

(b) ~~Two~~ Five thousand ~~five hundred~~ dollars per employee per year.

~~7.1~~ 8. A credit described in this section must not be applied retroactively.

~~8.1~~ 9. If the amount of a credit described in this section exceeds the tax liability of the taxpayer for the calendar quarter in which the credit is claimed, the excess amount of the credit may be carried forward and applied to the tax liability of the taxpayer for the next following calendar quarter or calendar quarters for which the taxpayer has a tax liability, except that any credit or the excess amount of any credit expires on the date that is 5 years after the end of the calendar quarter in which the credit is claimed and must not be applied to any tax liability of the taxpayer incurred on or after that date. If excess amounts of credits for more than one calendar quarter are carried forward by a taxpayer pursuant to this subsection, the excess amount of the credit from the earliest calendar quarter must be applied first.

10. As used in this section, "Division" means the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 4. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds \$50,000.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the

commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

6. *An employer who, during the calendar quarter for which a return is filed pursuant to this section, makes a payment of money which qualifies for a credit pursuant to section 3 of this act is entitled to a credit equal to the amount authorized pursuant to section 3 of this act against any tax otherwise due pursuant to this section.*

Sec. 5. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

The Division shall make available for businesses in this State information related to worksite wellness and family-friendly policies, including, without limitation, information concerning the tax credit authorized by sections 1 and 3 of this act.

Sec. 6. ~~{1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services for the costs associated with the Program for Child Care and Development administered by the Division pursuant to chapter 422A of NRS the following sums:~~

~~For the Fiscal Year 2017-2018.....\$25,000,000~~

~~For the Fiscal Year 2018-2019.....\$25,000,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019.] (Deleted by amendment.)~~

Sec. 7. ~~{1.}~~ This section and sections 1 to 5, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

~~{2. Section 6 of this act becomes effective on July 1, 2017.}~~

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 251 to Senate Bill No. 455 restructures the application process for the tax-credit program to specify that an employer may apply directly to the Division of Welfare and Supportive Services to receive the tax credit, rather than applying to an entity under contract with the Division. The Division of Welfare and Supportive Services must determine that the requirements for the program have been met with respect to household income, the age of the child for which child care is provided and that the child care will be provided by provider that participates in the Quality Rating and Improvement System administered by the Office of Early Learning and Development of the Department of Education. The amendment specifies certain requirements for notifications to occur between the Division of Welfare and Supportive Services, the Department of Taxation and the employer regarding approval or denial of the application for the tax credit. The maximum credit amount per employee per year is increased from \$2,500 to \$5,000.

Finally, the amendment removes the General Fund appropriation of \$25 million in Fiscal Year 2018 and \$25 million Fiscal Year 2019.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 498.

Bill read second time.

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

Amendment No. 384.

SUMMARY—Revises provisions relating to mortgage brokers and mortgage bankers. (BDR 54-484)

AN ACT relating to mortgage lending; revising provisions ~~[which apply to]~~ for the examination of mortgage brokers ~~[to also apply to]~~ and mortgage bankers; [repealing provisions relating to] authorizing the Commissioner of Mortgage Lending to waive the monthly report of activity of a mortgage broker or mortgage [bankers,] banker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Existing law prohibits a person from offering or providing any of the services of a mortgage broker or mortgage banker unless the person first obtains a license as a mortgage broker or mortgage banker, as applicable, or is exempt from licensing. (NRS 645B.900, 645E.900) This bill repeals the provisions of law that regulate mortgage bankers and revises the provisions of law that currently regulate mortgage brokers to apply to both mortgage brokers and mortgage bankers, both of which are now included in the term "mortgage loan originator." Specifically, section 6 of this bill defines "mortgage loan originator" to include all persons who previously were mortgage brokers or mortgage bankers. Section 11 of this bill revises provisions relating to licensing as a mortgage broker to apply to licensing as a mortgage loan originator. Section 110 of this bill deems any person who holds a license as a mortgage broker or mortgage banker on January 1, 2018, to hold a license as a mortgage loan originator. Section 112 of this bill repeals the provisions of~~

~~existing law which apply to mortgage bankers as such provisions are made redundant by the provisions of this bill.~~

~~Existing law requires a mortgage broker or mortgage agent to satisfy certain requirements for continuing education. (NRS 645B.051, 645B.430) Sections 19 and 58 of this bill eliminate a requirement that certain courses of continuing education for a mortgage loan originator or mortgage agent include at least 3 hours relating to the laws and regulations of this State.~~

Existing law requires the Commissioner of Mortgage Lending to perform annual examinations of mortgage brokers and mortgage bankers. (NRS 645B.060, 645E.300) Sections ~~[20, 24]~~ 1 and ~~[68]~~ 6 of this bill eliminate the requirement for an annual examination and instead require the Commissioner to conduct, at his or her discretion, standard examinations of a mortgage ~~[loan originator]~~ broker or mortgage banker.

Existing law requires each mortgage broker or mortgage banker to submit a monthly report of the activity of the mortgage broker or mortgage banker to the Commissioner. (NRS 645B.080, 645E.350) Sections 2 and 7 of this bill allow the Commissioner to waive this requirement if substantially similar information is available to the Commissioner from another source.

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

Delete existing sections 1 through 113 of this bill and replace with the following new sections 1 through 8:

Section 1. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) ~~[Except as otherwise provided in subsection 4, conduct an annual examination]~~ Conduct, at his or her discretion, standard examinations of each mortgage broker doing business in this State ~~[. The annual examination] which~~

must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of ~~the annual~~ *a standard* examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapters 363A and 363C of NRS.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~[4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:~~

~~—(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;~~

~~—(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;~~

~~—(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and~~

~~—(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.]~~

Sec. 2. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage broker shall keep and maintain at all times at each location where the mortgage broker conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage broker at that location. Each mortgage broker shall also keep and

maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage broker.

2. ~~Each~~ *Except as otherwise provided in subsection 3, each* mortgage broker shall submit to the Commissioner each month a report of the mortgage broker's activity for the previous month. The report must:

(a) Specify the volume of loans arranged by the mortgage broker for the month or state that no loans were arranged in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. *The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.*

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage brokers handling trust accounts and the requirements for keeping records relating to such accounts.

~~4.~~ 5. Each mortgage broker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 3. NRS 645B.260 is hereby amended to read as follows:

645B.260 1. If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175 in which the mortgage broker deposits payments from a debtor on a loan secured by a lien on real property and, on the last day of any month, the debtor has failed to make two or more consecutive payments in accordance with the terms of the loan, the mortgage broker shall:

(a) Include in the report that the mortgage broker submits to the Commissioner pursuant to subsection 2 of NRS 645B.080 *, if any,* the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2;

(b) Not later than 15 days after the last day of each such month, mail to the last known address of each investor who owns a beneficial interest in the loan a notice containing the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2; and

(c) Comply with the provisions of this section each month on a continuing basis until:

(1) The debtor or the debtor's designee remedies the delinquency in payments and any default; or

(2) The lien securing the loan is extinguished.

2. The Commissioner:

(a) Shall adopt regulations prescribing the information relating to delinquencies in payments and defaults that a mortgage broker must include in his or her report to the Commissioner and in the notice mailed to investors pursuant to subsection 1. Such regulations may provide for variations between the information that a mortgage broker must include in his or her report to the Commissioner and the information that a mortgage broker must include in the notice mailed to investors.

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.

Sec. 4. NRS 645B.690 is hereby amended to read as follows:

645B.690 1. If a person offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license;

(b) The person was required to be registered with the Registry and the person was not so registered; or

(c) The person's license was suspended or revoked pursuant to this chapter, ➔ the Commissioner shall impose upon the person an administrative fine of not more than \$50,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

2. If a mortgage broker violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage broker to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage broker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage broker an administrative fine of not more than \$25,000 for each violation;

(b) Suspend or revoke the license of the mortgage broker; and

(c) Conduct a hearing to determine whether the mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage broker pursuant to NRS 645B.630.

3. If a mortgage broker:

(a) Makes or offers for sale in this State any investments in promissory notes secured by liens on real property; and

(b) Receives the lowest possible rating on two consecutive ~~annual or biennial~~ examinations pursuant to NRS 645B.060,

➔ the Commissioner shall suspend or revoke the license of the mortgage broker.

Sec. 5. NRS 645E.030 is hereby amended to read as follows:

645E.030 "Commercial mortgage loan" means a loan primarily for a business, commercial or agricultural purpose that:

1. Directly or indirectly, is secured by a lien on commercial property; and
2. Is created with the consent of the owner of the commercial property.

Sec. 6. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) ~~Except as otherwise provided in subsection 4, conduct an annual examination~~ Conduct, at his or her discretion, standard examinations of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapters 363A and 363C of NRS.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:~~

~~(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;~~

~~(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and~~

~~(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.]~~

Sec. 7. NRS 645E.350 is hereby amended to read as follows:

645E.350 1. Each mortgage banker shall keep and maintain at all times at each location where the mortgage banker conducts business in this State complete and suitable records of all mortgage transactions made by the mortgage banker at that location. Each mortgage banker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage banker.

2. ~~Each~~ Except as otherwise provided in subsection 3, each mortgage banker shall submit to the Commissioner each month a report of the mortgage banker's activity for the previous month. The report must:

(a) Specify the volume of loans made by the mortgage banker for the month or state that no loans were made in that month;

(b) Include any information required pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage bankers handling trust accounts and the requirements for keeping records relating to such accounts.

~~4.~~ 5. A licensee who operates outside this State an office or other place of business which is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

↪ The licensee must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~5.~~ 6. Each mortgage banker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 384 makes four changes to Senate Bill No. 498. The amendment removes all language pertaining to a consolidation of mortgage brokers and mortgage bankers. It allows the Commissioner of Mortgage Lending to conduct standard examinations of mortgage brokers and mortgage bankers. The Commissioner may waive the requirement for a monthly-activity report to be submitted if substantially similar information is available from another source.

Finally, it revises the definition of a commercial mortgage loan to align with federal definitions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 516.

Bill read second time.

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

Amendment No. 187.

SUMMARY—Revises provisions governing workforce innovation and apprenticeships. (BDR 53-913)

AN ACT relating to employment; creating the Office of Workforce Innovation within the Office of the Governor; establishing the duties of the ~~Office and the Executive Director of the Office; [transferring certain powers and duties regarding apprenticeships from the Labor Commissioner to the Office];~~ revising the membership, procedures and duties of the State Apprenticeship Council; ~~[establishing]~~ revising the qualifications, requirements and duties of the State Director of Apprenticeship; ~~[Director];~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the apprenticeship program in Nevada is administered by the Labor Commissioner as the ex officio State Director of Apprenticeship with the advice and guidance of the State Apprenticeship Council. (NRS 610.110, 610.120)]~~ In 2016, the Governor of Nevada issued Executive Order 2016-08, which established the Office of Workforce Innovation within the Office of Governor. Sections 18-21 of this bill codify the Office into Nevada Revised Statutes. Section 20 of this bill establishes the powers and duties of the Executive Director of the Office of Workforce Innovation. ~~[Sections 2-13 of this bill transfer the administration of the apprenticeship program of this State from the Labor Commissioner to the Office of Workforce Innovation. In addition to placing the State Apprenticeship Council within the Office of Workforce Innovation, sections 3-6 of this bill change the membership, procedures and duties of the State Apprenticeship Council. Section 6 also requires the State Apprenticeship Council to act as a regulatory body in administering the provisions governing the state apprenticeship~~

~~program. Sections 8 and 9 of this bill impose additional qualifications, requirements and duties on the office of the State Director of Apprenticeship.] Sections 14, 20 and 23 of this bill move the responsibility for the oversight of the State's statewide longitudinal data system linking data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation.~~

The federal National Apprenticeship Act authorizes and directs the United States Secretary of Labor to: (1) formulate and promote the furtherance of labor standards to safeguard the welfare of apprentices; (2) encourage the inclusion of such standards in contracts of apprenticeship; (3) bring together employers and labor for the creation of programs of apprenticeship; and (4) cooperate with state agencies in the establishment and promotion of standards of apprenticeship. (29 U.S.C. § 50) In 1977, the Secretary of Labor promulgated regulations implementing the National Apprenticeship Act which placed responsibility for accomplishing those goals in the United States Department of Labor, but authorized the Department to delegate authority to administer certain portions of the regulations to states under certain circumstances where a state's apprenticeship laws conform to the federal regulations and the state's entities satisfy the requirements for recognition by the Department. (29 C.F.R. Part 29 (1977))

In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and recognition include, among other things, certain changes in the roles and responsibilities of administrative entities of state government responsible for apprenticeship, including a provision which prohibits a state apprenticeship council from being recognized as a state's registration agency. (29 C.F.R. § 29.2) ~~[Sections 1, 2, 7, 10, 13, 15, 16, 22 and 24-26 of this bill require the State Apprenticeship Director and the Executive Director of the Office of Workforce Innovation to assume responsibilities which previously belonged to the State Apprenticeship Council, but which are duties assigned to a state registration agency under federal law.]~~

~~Sections 14, 20 and 23 of this bill move the responsibility for the oversight of the State's statewide longitudinal data system linking data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation.]~~

Under existing law, the apprenticeship program in Nevada is administered by the Labor Commissioner as the ex officio State Director of Apprenticeship with the advice and guidance of the State Apprenticeship Council. (NRS 610.110, 610.120) Sections 11 and 18 of this bill make the Office of

Workforce Innovation responsible and accountable for apprenticeship in this State as this State's registration agency. Sections 3-6 of this bill change the membership, procedures and duties of the State Apprenticeship Council. Section 6 also requires the State Apprenticeship Council to act as a regulatory body in administering the provisions governing the state apprenticeship program. In lieu of the Labor Commissioner serving ex officio as the State Director of Apprenticeship, section 8 requires the Governor to appoint a State Apprenticeship Director. Sections 7-13 of this bill impose additional qualifications, requirements and duties on the State Apprenticeship Director. Section 13 also eliminates appeals to the Labor Commissioner of determinations or decisions of the State Apprenticeship Council regarding violations of the terms and conditions of programs or agreements.

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

Section 1. NRS 610.010 is hereby amended to read as follows:

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

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. "Council" means the State Apprenticeship Council created by NRS 610.030.

4. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

~~{4.}~~ 5. "Executive Director" means the Executive Director of the Office of Workforce Innovation.

6. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

~~{5.}~~ 7. "Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by section 18 of this act.

8. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~{6.}~~ 9. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

10. "State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national

origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship Council. ~~[with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to assist in carrying out the purposes of this chapter.]~~

7. To provide for a State *Apprenticeship* Director ~~[of Apprenticeship.]~~ *with the authority to carry out the purposes of this chapter.*

8. To provide for reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

9. ~~[To establish procedures for regulating programs and deciding controversies concerning programs and agreements.~~

~~—10.] To accomplish related ends.~~

Sec. 3. NRS 610.030 is hereby amended to read as follows:

610.030 ~~[1. A] There is hereby created [in the Office of Workforce Innovation] a State Apprenticeship Council composed of [seven members is hereby created.~~

~~—2. The Labor Commissioner shall appoint:] :~~

1. *The following voting members, appointed by the Governor:*

(a) ~~[Three]~~ *Four* members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) ~~[Three]~~ *Four* members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public. ~~[and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).]~~

~~—3. The state official who has been designated by the State Board for Career and Technical Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.]~~

2. *The following nonvoting members:*

(a) *The Executive Director of the Office of Economic Development or his or her designee.*

(b) *The Superintendent of Public Instruction or his or her designee.*

(c) *One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.*

(d) *One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.*

Sec. 4. NRS 610.040 is hereby amended to read as follows:

610.040 1. ~~{In making the initial appointments to the Council, the Labor Commissioner shall appoint:~~

~~—(a) One member who is a representative from employer associations, one member who is a representative from employee organizations, and one member who is the representative from the general public for terms of 1 year.~~

~~—(b) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 2 years.~~

~~—(c) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 3 years.~~

~~—2. After the initial appointments provided for in subsection 1, each} Each voting member of the Council shall serve for a term of 3 years ~~{-}~~, so long as the member has the qualifications required by NRS 610.030. A member of the Council who no longer has the qualifications specified in NRS 610.030 under which the member was appointed shall continue to serve on the Council until the member's successor is appointed.~~

2. The voting members of the Council serve at the pleasure of the Governor.

3. The nonvoting members of the Council appointed pursuant to paragraphs (c) and (d) of subsection 2 of NRS 610.030 serve at the pleasure of the Chancellor of the Nevada System of Higher Education.

Sec. 5. NRS 610.070 is hereby amended to read as follows:

610.070 1. The Governor shall select from the membership of the council a Chair and Vice Chair, who shall hold office for 1 year.

2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.

3. The Council may prescribe such bylaws as it deems necessary for its operation.

4. The ~~{State Apprenticeship}~~ Council shall meet at least once ~~{in each calendar quarter and may meet at other times at the call of}~~ annually at a time and place specified by the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of ~~{its}~~ the members ~~{-}~~ of the Council. Special meetings of the Council ~~{, not to exceed six each year,}~~ may be held at the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council at such additional times as they deem necessary.

5. *Five voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.*

Sec. 6. NRS 610.090 is hereby amended to read as follows:

610.090 The ~~{State Apprenticeship}~~ Council shall:

1. Establish standards for programs and agreements that are not lower than those prescribed by this chapter.

2. Upon review and approval, extend written reciprocal recognition to multistate joint programs.

3. Adopt such regulations as may be necessary to carry out the intent and purposes of this chapter.

4. *Administer the provisions of this chapter as a regulatory body.*

5. *Consistent with its duties and obligations under this chapter, demonstrate linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part out of public money, as set forth in 29 C.F.R. § 29.13.*

6. *Adopt regulations pursuant to 29 C.F.R. Parts 29 and 30.*

7. Perform such other functions as may be necessary for the fulfillment of the intent and purposes of this chapter.

Sec. 7. NRS 610.100 is hereby amended to read as follows:

610.100 The ~~State Apprenticeship {Council}~~ Director shall make a report of ~~its~~ the activities and findings ~~[, through the Labor Commissioner, Executive Director, as provided in NRS 607.080, section 20 of this act] of the Council~~ to the Legislature and to the public.

Sec. 8. NRS 610.110 is hereby amended to read as follows:

610.110 1. The ~~{Labor Commissioner or the duly appointed representative of the Labor Commissioner}~~ Governor shall ~~{be ex officio}~~ appoint a State Apprenticeship Director . ~~{of Apprenticeship}~~

2. *The State Apprenticeship Director:*

(a) *Shall report to the Executive Director.*

(b) *Is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.*

(c) *Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.*

(d) *Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:*

(1) *A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.*

(2) *The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.*

(3) *An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.*

(4) *A background which demonstrates that he or she can impartially serve the interests of both employees and employers.*

(e) *Must not, at the time of appointment or at any time during his or her term of office, ~~be an~~ receive payment or compensation as the officer of any labor organization, ~~or~~ or have a pecuniary interest in any labor organization.*

Sec. 9. NRS 610.120 is hereby amended to read as follows:

610.120 1. The State Apprenticeship Director ~~[of Apprenticeship]~~ shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council. ~~[Executive Director or his or her designee.]~~

~~(b) [In cooperation with the State Apprenticeship Executive Director or his or her designee, the Council and local or state joint apprenticeship committees, set up conditions and standards for proposed programs, that are not less stringent than those prescribed by this chapter.~~

~~—(c) Approve and transmit to the Council any agreement which meets the standards established under this chapter and terminate or cancel any agreement in accordance with the provisions of the agreement, the program, this chapter and the standards approved by the State Apprenticeship Council.~~

~~—(d) Keep a record of agreements and their dispositions.~~

~~[(e)]~~ (c) Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

~~[(f)]~~ (d) Promote apprenticeship programs through public engagement activities and other initiatives.

~~[(g)]~~ (e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.

~~[(h)]~~ (f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.

~~[(i)]~~ (g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.

~~[(j)]~~ (h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.

~~[(k)]~~ (i) Prepare budgets and compile annual reports to the Legislature, Executive Director and Governor.

~~[(l)]~~ (j) Perform other administrative duties on behalf of the Council.

~~[(m)]~~ (k) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the local joint apprenticeship committees.

3. As used in this section, "technical assistance" means guidance provided by the Office of Workforce Innovation to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 10. NRS 610.140 is hereby amended to read as follows:

610.140 1. A local or state apprenticeship committee shall:

(a) In accordance with standards ~~{set up}~~ established by the ~~{State Apprenticeship}~~ Council, work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and agreements entered into under this chapter.

(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.

(c) Within 10 days after the termination of any agreement, submit to the State Apprenticeship ~~{Council}~~ Director a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the ~~{State Apprenticeship}~~ Council informed of all actions.

2. The decisions of local or state joint apprenticeship committees are, at all times, subject to appeal to the ~~{State Apprenticeship}~~ Council.

Sec. 11. NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the ~~{State Apprenticeship}~~ Council, ~~{Director}~~ a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an occupation in which a person may be apprenticed and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § ~~{30.3(b)}~~ 30.3(c) and, when applicable:

(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § ~~{30.5}~~ 30.10;

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade;

(b) A term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;

(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the trade with a minimum of 144 hours for each year of apprenticeship, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the ~~{State Apprenticeship Council; {Director;}}~~

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement;

(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress;

(g) A numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants;

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship;

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction;

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years;

(k) Provisions for the placement of an apprentice under a written agreement as required by this chapter, incorporating directly or by reference the standards of the program;

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted;

(m) Provisions for the transfer of the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of the apprentice and the local joint apprenticeship committee or sponsor of the program;

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job;

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;

(p) An identification of the ~~{State Apprenticeship Council}~~ *Office of Workforce Innovation* as the agency for registration of the program;

(q) Provisions for the registration of agreements and of modifications and amendments thereto;

(r) Provisions for notice to the ~~[Labor Commissioner]~~ *State Apprenticeship Director* of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;

(s) Provisions for the termination of an agreement during the probationary period by either party without cause;

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the *United States* Department of Labor;

(u) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and

(v) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the ~~[State Apprenticeship]~~ Council and applicable laws.

Sec. 12. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name and address of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State Apprenticeship ~~[Council]~~ *Director*; and

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship ~~[Council]~~ *Director* of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion or disability.

11. A statement naming the ~~{State Apprenticeship}~~ Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed or approved by the ~~{State Apprenticeship}~~ Council ~~{Director}~~ not inconsistent with the provisions of this chapter.

Sec. 12.5. NRS 610.160 is hereby amended to read as follows:

610.160 1. No agreement under this chapter is effective until it is approved by the local joint apprenticeship committee and the ~~{State Director of Apprenticeship}~~ Council. A copy of the agreement must be forwarded within 10 days after approval by the local joint apprenticeship committee to the ~~{State Director of Apprenticeship}~~ Council.

2. Every agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the agreement must also be signed by:

- (a) Both parents, if the minor is living with both parents;
- (b) The custodial parent, if the minor is living with only one parent; or
- (c) The minor's legal guardian.

3. If a minor enters into an agreement under this chapter for a period of training extending into his or her majority, the agreement is likewise binding for the period covered during his or her majority.

Sec. 13. NRS 610.180 is hereby amended to read as follows:

610.180 1. Upon the complaint of any interested person or upon its own initiative, the ~~{State Apprenticeship}~~ Council may investigate to determine if there has been a violation of the terms or conditions of an approved program or an agreement made under this chapter. The ~~{State Apprenticeship}~~ Council may hold necessary hearings, inquiries and other proceedings. The parties to each agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the ~~{Labor Commissioner, State Apprenticeship Director, and if no appeal therefrom is filed with the Labor Commissioner State Apprenticeship Director within 10 days after the date thereof the determination or decision of the State Apprenticeship Council becomes the order of the Labor Commissioner.}~~ State Apprenticeship Director.

~~2. [Any person aggrieved by any determination or action of the State Apprenticeship Council may appeal to the Labor Commissioner, State Apprenticeship Director, whose decision, when supported by evidence, is conclusive if notice of appeal therefrom to the courts is not filed within 30 days after the date of the decision of the Labor Commissioner. State Apprenticeship Director.]~~

~~3.]~~ A person shall not institute any action based upon:

- (a) An agreement;
- (b) Proposed or approved standards for apprenticeship; or
- (c) A program governed by this chapter,

↪ unless the person first exhausts all administrative remedies provided by this chapter.

Sec. 14. NRS 612.265 is hereby amended to read as follows:

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

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

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system ~~[developed]~~ *administered* pursuant to ~~[NRS 400.040,]~~ *section 20 of this act*, make the information obtained by the Division available to:

- (a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and
- (b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

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

- (a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;
- (b) Any state or local agency for the enforcement of child support;
- (c) The Internal Revenue Service of the Department of the Treasury;
- (d) The Department of Taxation;
- (e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

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

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

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

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

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

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

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

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

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

12. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

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

Sec. 15. ~~[NRS 612.607 is hereby amended to read as follows:~~
~~612.607 1. All payments collected pursuant to NRS 612.606 must be deposited in the Unemployment Compensation Administration Fund. At the end of each fiscal year, the State Controller shall transfer to the Clearing Account in the Unemployment Compensation Fund the amount by which the unencumbered balance of the money deposited in the Unemployment Compensation Administration Fund pursuant to this subsection exceeds the amount of that money which the Legislature has authorized for expenditure during the first 90 days of the succeeding fiscal year.~~
~~2. Except for money transferred from the Unemployment Compensation Administration Fund pursuant to subsection 1, the Administrator may only expend the money collected for the employment and training of unemployed persons and persons employed in this State to:~~
~~(a) Establish and administer an employment training program which must foster job creation, minimize unemployment costs of employers and meet the needs of employers for skilled workers by providing training to unemployed persons.~~
~~(b) Establish or provide support for job training programs in the public and private sectors for training, retraining or improving the skills of persons employed in this State.~~
~~(c) Establish a program to provide grants of money to a nonprofit private entity to be used to make loans of money to veterans and senior citizens to start small businesses. The Administrator shall adopt regulations establishing criteria and standards relating to the eligibility for and use of any grants made pursuant to this paragraph.~~
~~(d) Pay the costs of the collection of payments required pursuant to NRS 612.606.~~
~~3. The money used for the program for the employment and training of unemployed persons and persons employed in this State must supplement and not displace money available through existing employment training programs conducted by any employer or public agency and must not replace, parallel, supplant, compete with or duplicate in any way existing apprenticeship programs approved by the State Apprenticeship [Council.] Director.~~
~~4. As used in this section:~~
~~(a) "Senior citizen" has the meaning ascribed to it in NRS 439.650.~~
~~(b) "Small business" means a business conducted for profit which:~~
~~(1) Employs 50 or fewer full-time employees; and~~
~~(2) Has gross annual sales of less than \$5,000,000.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 616A.215 is hereby amended to read as follows:~~

~~616A.215 1. Except as otherwise provided in subsection 2, any person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an apprenticeship committee registered with the State Apprenticeship [Council] Director at a wage of \$150 per month while the person is:~~

~~—(a) Attending a class for vocational training; or~~

~~—(b) Receiving bona fide instruction as an apprentice or trainee,~~

~~→ under the direction of the apprenticeship committee. Such an apprentice or trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.~~

~~2. A person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice or trainee approved pursuant to chapter 610 of NRS while:~~

~~—(a) The apprentice or trainee is performing work for that employer; and~~

~~—(b) The employer is paying the apprentice or trainee a wage for the work performed.~~

~~→ The apprentice or trainee shall be deemed to be an employee at a wage equal to his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.~~

~~3. If an apprentice or trainee who is employed by an employer participating in a program of training and instruction is injured while the apprentice or trainee, as applicable, is deemed to be an employee of the apprenticeship committee pursuant to subsection 1 and the apprentice or trainee is unable to work for an employer participating in the program solely because of that injury, the apprentice or trainee shall be deemed to be an employee of the apprenticeship committee at a wage of \$150 per month or at his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever is greater.~~

~~4. As used in this section, "trainee" means a person who is under the direction of [an] apprenticeship committee specified in subsection 1 and, for that purpose, is described by that apprenticeship committee as a "journeyworker trainee." (Deleted by amendment.)~~

Sec. 17. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 21, inclusive, of this act.

Sec. 18. 1. *The Office of Workforce Innovation is hereby created in the Office of the Governor.*

2. *The Office of Workforce Innovation ~~[consists of an Executive Director and the State Apprenticeship Council created pursuant to NRS 610.030.] has responsibility and accountability for apprenticeship within this State.~~*

Sec. 19. 1. *The Governor shall appoint the Executive Director of the Office of Workforce Innovation.*

2. *The Executive Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.*

Sec. 20. *The Executive Director of the Office of Workforce Innovation shall:*

1. *Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.*

2. *Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.*

3. *Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.*

4. *At the direction of the Governor:*

(a) *Identify, recommend and implement policies related to workforce development.*

(b) *Define career pathways and identify priority career pathways for secondary and postsecondary education.*

(c) *Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.*

(d) *In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.*

(e) *Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.*

(f) *Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.*

(g) *Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.*

(h) *Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.*

(i) *Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.*

(j) *On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.*

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

Sec. 21. The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of section 20 of this act:

1. The Department of Employment, Training and Rehabilitation.
2. The Department of Education.
3. The Nevada System of Higher Education.
4. The Department of Motor Vehicles.
5. Any other public agency which is directed by the Governor to submit such data.

Sec. 22. ~~[NRS 361.106 is hereby amended to read as follows:~~
~~361.106 1. Except as otherwise provided in subsection 2, the real and personal property of an apprenticeship program is exempt from taxation if the property is:~~
~~(a) Held in a trust created pursuant to 29 U.S.C. § 186; or~~
~~(b) Owned by a local or state apprenticeship committee and the apprenticeship program is:~~
~~(1) Operated by an organization which is qualified pursuant to 26 U.S.C. § 501(c)(2) or (5); and~~
~~(2) Registered and approved by the State Apprenticeship [Council] Director pursuant to chapter 610 of NRS.~~
~~2. If any property exempt from taxation pursuant to subsection 1 is used for a purpose other than that of the apprenticeship program required in subsection 1, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c)(3).] (Deleted by amendment.)~~

Sec. 23. NRS 400.040 is hereby amended to read as follows:

400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.

(c) Methods to ensure the successful transition of pupils from:

- (1) Elementary school to middle school;
- (2) Middle school to high school; and
- (3) High school to postsecondary education or the workforce, or both,

↪ including, without limitation, methods to increase parental involvement.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) ~~{The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.~~

~~—(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:~~

~~——(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;~~

~~——(2) The effectiveness of the preparation of teachers and administrators in this State; and~~

~~——(3) The return on investment of educational and workforce development programs paid for by this State.~~

~~—(i)} Other matters within the scope of the Council as determined necessary or appropriate by the Council.~~

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 24. ~~{NRS 624.260 is hereby amended to read as follows:~~

~~—624.260—1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.~~

~~—2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:~~

~~—(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.~~

~~—(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.~~

~~➤ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.~~

~~— 3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:~~

~~— (a) To make technical and administrative decisions;~~

~~— (b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and~~

~~— (c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.~~

~~— 4. If, pursuant to subsection 2, an applicant or licensee intends to qualify by the appearance of another person, the Board may inquire into and consider any previous business experience of, and any prior and pending lawsuits, liens and judgments against, the other person.~~

~~— 5. A natural person may not qualify on behalf of another for more than one active license unless:~~

~~— (a) One person owns at least 25 percent of each licensee for which the person qualifies;~~

~~— (b) One licensee owns at least 25 percent of the other licensee; or~~

~~— (c) One licensee is a corporation for public benefit as defined in NRS 82.021.~~

~~— 6. Except as otherwise provided in subsection 7, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a journeyman, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.~~

~~— 7. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the applicant is applying for licensure, the experience required pursuant to subsection 6 need not be accrued within the 10 years immediately preceding the application.~~

~~— 8. As used in this section, "journeyman" means a person who:~~

~~— (a) Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or~~

~~— (b) Has successfully completed:~~

~~— (1) A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship [Council] Director; or~~

~~— (2) An equivalent program accepted by the Board. (Deleted by amendment.)~~

Sec. 25. ~~[NRS 701B.921 is hereby amended to read as follows:~~

~~701B.921 1. The Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry shall establish contractual relationships with one or more nonprofit collaboratives to carry out the State's mission of creating new jobs in the fields of energy efficiency and renewable energy by combining job training with weatherization, energy retrofit applications or the development of renewable energy plants.~~

~~2. To qualify as a nonprofit collaborative for the purposes of this section, a nonprofit entity:~~

~~— (a) Must enter into a written agreement relating to job training and career development activities with:~~

~~— (1) A labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the State Apprenticeship [Council] Director pursuant to chapter 610 of NRS; and~~

~~— (2) A community college or another institution of higher education; and~~

~~— (b) Must conduct or have the ability to conduct training programs in at least one of the three geographic regions of this State, including southern Nevada, northern Nevada and rural Nevada.~~

~~→ Such a nonprofit entity may also enter into a written agreement relating to job training and career development activities with a trade association which has an accredited job skills training program.~~

~~3. Within the limits of money available to the Department for this purpose, the Department shall contract with one or more qualified nonprofit collaboratives to:~~

~~— (a) Carry out programs for job training in fields relating to energy efficiency and the use of renewable energy;~~

~~— (b) In concert with a labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the State Apprenticeship [Council] Director pursuant to chapter 610 of NRS, develop apprenticeship programs to train laborers in skills related to:~~

~~— (1) The implementation of energy efficiency measures;~~

~~— (2) The use of renewable energy;~~

~~— (3) Performing audits of the energy efficiency of buildings, facilities, residences and structures;~~

~~— (4) The weatherization of buildings, facilities, residences and structures.~~

~~— (5) The retrofitting of buildings, facilities, residences and structures;~~
~~— (6) The construction and operation of centralized renewable energy plants;~~
~~— (7) The manufacturing of components relating to work performed pursuant to subparagraphs (1) to (6), inclusive.~~
~~— 4. The job training described in subsection 3 must be sufficiently detailed to allow workers, as applicable, to perform:~~
~~— (a) The services set forth in NRS 702.270.~~
~~— (b) The services set forth in NRS 618.910 to 618.936, inclusive.~~
~~— (c) Such other vocational or professional services, or both, as the Department deems appropriate.~~
~~— 5. Funding provided for the job training described in subsection 3:~~
~~— (a) Must, to the extent money is available for the purpose, include the cost of tuition and supplies;~~
~~— (b) May include a cost of living stipend which may or may not be in addition to any available unemployment compensation.~~
~~— 6. Within the limits of money available to the Division for the purpose, the Division shall contract with one or more governmental entities, community action agencies or nonprofit organizations, including, without limitation, qualified nonprofit collaboratives, to:~~
~~— (a) Identify, in different regions of the State, neighborhoods that will qualify for funding for residential weatherization projects pursuant to federal programs focusing on residential weatherization; and~~
~~— (b) Issue requests for proposals for contractors and award contracts for projects to promote energy efficiency through weatherization. Any such requests for proposals and contracts must include, without limitation:~~
~~— (1) Provisions stipulating that all employees of the outside contractors who work on the project must be paid prevailing wages;~~
~~— (2) Provisions requiring that each outside contractor:~~
~~— (I) Employ on each such project a number of persons trained as described in paragraph (b) of subsection 3 that is equal to or greater than 50 percent of the total workforce the contractor employs on the project; or~~
~~— (II) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor, that the contractor cannot reasonably comply with the provisions of sub-subparagraph (I) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship [Council] Director pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor employs on the project;~~
~~— (3) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and~~

~~—(4) A component that requires each contractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.~~

~~—7. The Department and the Division:~~

~~—(a) Shall apply for and accept any grant, appropriation, allocation or other money available pursuant to:~~

~~—(1) The Green Jobs Act of 2007, 29 U.S.C. § 2916(e); and~~

~~—(2) The American Recovery and Reinvestment Act of 2009, Public Law 111-5; and~~

~~—(b) May apply for and accept any other available gift, grant, appropriation or donation from any public or private source;~~

~~—to assist the Department and the Division in carrying out the provisions of this section.~~

~~—8. The Department and the Division shall each report to the Interim Finance Committee at each meeting held by the Interim Finance Committee with respect to the activities in which they have engaged pursuant to this section.~~

~~—9. As used in this section, "community action agencies" means private corporations or public agencies established pursuant to the Economic Opportunity Act of 1964, Public Law 88-452, which are authorized to administer money received from federal, state, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs. (Deleted by amendment.)~~

Sec. 26. ~~[NRS 701B.924 is hereby amended to read as follows:~~

~~—701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~—(a) The length of time necessary to commence the project.~~

~~—(b) The number of workers estimated to be employed on the project.~~

~~—(c) The effectiveness of the project in reducing energy consumption.~~

~~—(d) The estimated cost of the project.~~

~~—(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~—(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~—(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~—(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~—(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~—(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~—(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~—(a) The length of time necessary to commence the project.~~

~~—(b) The number of workers estimated to be employed on the project.~~

~~—(c) The effectiveness of the project in reducing energy consumption.~~

~~—(d) The estimated cost of the project.~~

~~—(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~—(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~—(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~—(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~—(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~—(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~—(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~—(a) The length of time necessary to commence the project.~~

~~—(b) The number of workers estimated to be employed on the project.~~

~~—(c) The effectiveness of the project in reducing energy consumption.~~

~~—(d) The estimated cost of the project.~~

~~—(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy;~~

~~—(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~—(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~—(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~—(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~—(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~—(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:~~

~~—(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;~~

~~—(b) Provisions requiring that each contractor and subcontractor employed on each such project:~~

~~—(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or~~

~~—(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship [Council] Director pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;~~

~~—(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and~~

~~—(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.~~

~~5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.] (Deleted by amendment.)~~

Sec. 27. 1. The terms of the members of the State Apprenticeship Council created by NRS 610.030 who are incumbent on June 30, 2017, expire on that date.

2. On or before July 1, 2017, the Governor shall appoint the voting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, to terms commencing on July 1, 2017, as follows:

- (a) Three members to terms that expire on July 1, 2018;
- (b) Three members to terms that expire on July 1, 2019; and
- (c) Three members to terms that expire on July 1, 2020.

3. On or before July 1, 2017, the Chancellor of the Nevada System of Higher Education shall appoint the nonvoting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, described in paragraphs (c) and (d) of subsection 2 of NRS 610.030, as amended by section 3 of this act.

Sec. 28. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 29. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 30. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 31. NRS 610.060 ~~[,] and 610.080 [and 610.095]~~ are hereby repealed.

Sec. 32. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

610.060 Officers.

1. The member who is a representative of the general public shall act as Chair of the State Apprenticeship Council but shall not vote on matters before the Council except in the case of a tie.

2. The Labor Commissioner or the appointed representative of the Labor Commissioner is the ex officio Secretary of the State Apprenticeship Council, but may not vote.

610.080 Compensation of members and employees.

1. Each member of the State Apprenticeship Council is entitled to receive a salary of not more than \$80 per day, as fixed by the Council, while attending meetings of the Council.

2. While engaged in the business of the Council, each member and employee of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[610.095 Additional duties. The State Apprenticeship Council shall:~~

~~1. Register and approve or reject proposed programs and standards for apprenticeship.~~

~~2. After providing notice and a hearing and for good cause shown, deny an application for approval of a program, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation for any violation of the provisions of this title as specified in regulations adopted by the State Apprenticeship Council.]~~

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 187 to Senate Bill No. 516 revises sections of the bill to clarify the State Apprenticeship Council is a regulatory authority.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 455, 498, 516 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Ford moved that the Senate recess until 2:00 p.m.

Motion carried.

Senate in recess at 11:01 a.m.

SENATE IN SESSION

At 2:27 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 107, 225, 322, 369, 386, 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

MOISES DENIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 79, 244, 282, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 341, 375, 449, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Joint Resolutions Nos. 3, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 47, 364, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 602 to Senate Bill No. 47, Amendment No. 567 to Senate Bill No. 124, Amendment No. 607 to Senate Bill No. 175, Amendment No. 583 to Senate Bill No. 490.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 178, just reported out of Committee, be re-referred to the Committee on Education.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 390, just reported out of Committee, be re-referred to the Committee on Education.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 430, just reported out of Committee, be re-referred to the Committee on Education.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 124 be taken from the Secretary's desk and placed on the General File, last Agenda.

Motion carried.

Senator Parks moved that Senate Bill No. 175 be taken from the Secretary's desk and placed on the General File, last Agenda.

Motion carried.

Senator Parks moved that Senate Bill No. 408 be taken from the Secretary's desk and placed on the General File, last Agenda.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senator Ford moved that the bill be taken from the General File and placed on the General File, last Agenda.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 189, 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 491, 497; Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 601.

SUMMARY—Makes various changes relating to the appropriation of water. (BDR 48-499)

AN ACT relating to water; requiring the State Engineer to prepare a water budget and inventory of groundwater for each basin in this State; revising

provisions relating to certain applications to appropriate water; revising provisions relating to certain fees collected by the State Engineer; revising the ~~[time period in which]~~ provisions governing the procedures for the State Engineer ~~[must]~~ to declare a forfeiture of certain water rights; ~~[revising provisions relating to temporary permits to appropriate water; revising provisions relating to domestic wells;]~~ revising provisions relating to the Program for the Management of Groundwater in the Las Vegas Valley Groundwater Basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is charged with managing the appropriation of water in this State. (Title 48 of NRS) Section 1 of this bill requires the State Engineer to prepare a water budget and calculate and maintain an inventory of groundwater for each basin located in whole or in part in this State.

Existing law requires any person who wishes to appropriate public waters to apply to the State Engineer for a permit to do so. (NRS 533.325) Section ~~[1]~~ 1.5 of this bill revises the requirements for an application for a permit to appropriate water. Section 2 of this bill requires the State Engineer to publish notice of an application to appropriate water in a newspaper of general circulation where the point of diversion is located.

Existing law requires the State Engineer to conduct an inventory of a basin from which water is to be exported before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater if the basin has not previously been studied or inventoried. (NRS 533.364) Section 3 of this bill ~~[requires the State Engineer to instead conduct the inventory before approving an application, or group of applications collectively applying, for an interbasin transfer of more than 25 percent of the perennial yield or 1,000 acre-feet of groundwater, whichever is less.]~~ authorizes the applicant to waive the time limit for completion of the inventory by the State Engineer.

Upon approving an application for a permit to appropriate water, existing law authorizes the State Engineer to extend the deadline by which construction related to the appropriation of water or the application of water to a beneficial use must be completed or made. A single extension ~~[, other than]~~ for a municipal or quasi-municipal use for a public water system ~~[,]~~ may not exceed 5 years and an extension for any other use may not exceed 1 year. (NRS 533.380) Section 4 of this bill ~~[clarifies that the single extension may not exceed 1 year from the date for filing proofs provided in the original permit or a previous extension. Section 4 also]~~ increases to 5 years the period of a single extension for a use other than for a municipal quasi-municipal use for a public water system and requires an application to extend the deadline to include evidence of good faith on the part of the applicant in pursuing the perfection of the application.

Section 5 of this bill eliminates the requirement that a certificate of appropriation set forth the post office address of each holder of the permit.

Section 6 of this bill revises provisions relating to certain fees collected by the State Engineer.

Existing law recognizes a subsisting right to water livestock which may be proved by the owner of livestock by submitting certain evidence to the State Engineer. (NRS 533.492) Section 7 of this bill revises the scale required for a topographic map showing the location of a subsisting right to water livestock from not less than 1:100,000 to not less than 1:24,000. Section 7 also provides that a subsisting right to water livestock is a pre-statutory vested right.

Existing law prohibits the denial of an application to change the point of diversion under an existing water right on the basis that the proposed point of diversion is situated in another state. Section 8 of this bill adds the same restriction for applications to change the manner of use or place of use.

Existing law requires, under certain circumstances, the State Engineer to notify the owner of a water right that the owner has 1 year after the date of the notice to either: (1) use the water right beneficially and provide proof of such use to the State Engineer; or (2) apply to the State Engineer for an extension of time to work a forfeiture of the water right. If, after 1 year after the date of the notice, the owner of the water right has not taken either action, the State Engineer is required to declare the right forfeited within 30 days. (NRS 534.090) Section 9 of this bill ~~[eliminates the 30-day period.]~~ requires the State Engineer to send a final notice to the owner of the water right before the 30-day period begins. Section 9 also provides certain additional factors which the State Engineer is required to consider when deciding whether to grant an extension of time to work a forfeiture.

~~[Existing law authorizes the State Engineer to issue temporary permits to appropriate groundwater in certain designated areas and limit the depth and prohibit reconditioning of domestic wells in such areas. (NRS 534.120) Section 10 of this bill renames such a temporary permit as a revocable permit. Sections 11, 14 and 15 of this bill make conforming changes.~~

~~—Section 10 of this bill also expands the areas in which the State Engineer may limit the depth or prohibit the reconditioning of a domestic well. Further, section 10 requires that a domestic well whose user is furnished water by an entity such as a water district or municipality must be plugged in accordance with any applicable regulations adopted by the State Engineer.~~

~~—Existing law authorizes the State Engineer, assistants and Artesian Well Supervisor to enter the premises to investigate and carry out duties. Section 12 of this bill revises the scope of this authority to apply only to the State Engineer, assistants and authorized agents and adds access to the place where the water is being used.~~

~~—Under existing law, the State Engineer may, under certain circumstances, require the plugging of a domestic well if water can be furnished to the site by a political subdivision of the State or certain public utilities. (NRS 534.180) Section 13 of this bill removes the requirements that, in order for the State Engineer to require the plugging of the domestic well: (1) the domestic well~~

~~must have been drilled on or after July 1, 1981; and (2) the charge for making the connection to the water service is less than \$200.]~~

Existing law creates the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin and provides for the membership, meetings and duties of the Advisory Committee. (Sections 8 and 9, chapter 572, Statutes of Nevada 1997, p. 2800, as amended by chapter 180, Statutes of Nevada 2011, p. 820) Section 16 of this bill makes creation of the Advisory Committee discretionary by the Southern Nevada Water Authority and reduces the term of the members of such an Advisory Committee to 2 years. Section 19 of this bill removes the requirement that the Advisory Committee meet at least once every year.

Under existing law, the Southern Nevada Water Authority and the Advisory Committee are required to hold at least annually a joint workshop to discuss issues related to the basin and the management program. (Section 11 of chapter 572, Statutes of Nevada 1997, p. 2801) Section 17 of this bill eliminates the required participation of the Advisory Committee in the workshop. Section 18 of this bill makes a conforming change.

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

Section 1. Chapter 532 of NRS is hereby amended by adding thereto a new section to read as follows:

For each basin located in whole or in part in the State, the State Engineer shall prepare a water budget and calculate and maintain an inventory of water which includes, without limitation:

1. The total amount of groundwater appropriated in the basin in accordance with decreed, certified and permitted rights regardless of whether the water appropriations are temporary in nature;
2. An estimate of the amount of groundwater used by domestic wells in the basin; and
3. An estimate of the amount of all groundwater that is available for appropriation in the basin.

~~[Section 1.]~~ Sec. 1.5. NRS 533.335 is hereby amended to read as follows:

533.335 Each application for a permit to appropriate water shall contain the following information:

1. The name and post office address of the applicant and, if the applicant is a corporation, the date and place of incorporation.
2. The name of the source from which the appropriation is to be made.
3. The amount of water which it is desired to appropriate, expressed in terms of cubic feet per second ~~[,] and acre-feet per year~~, except in ~~the~~ :
 - (a) An application for a permit to store water, where the amount shall be expressed in acre-feet ~~[, and except for]~~ ; and
 - (b) An application for generating hydroelectric power or a diversion rate only application, where the amount shall be expressed in cubic feet per second.
4. The purpose for which the application is to be made.

5. A substantially accurate description of the location of the place at which the water is to be diverted from its source and, if any of such water is to be returned to the source, a description of the location of the place of return.

6. A description of the proposed works.

7. The estimated cost of such works.

8. The estimated time required to construct the works, and the estimated time required to complete the application of the water to beneficial use.

9. The signature of the applicant or a properly authorized agent thereof.

Sec. 2. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation ~~[and printed and published]~~ in the county where the ~~[water is sought to be appropriated,]~~ *point of diversion is located*, a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

↪ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

↪ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 3. NRS 533.364 is hereby amended to read as follows:

533.364 1. In addition to the requirements of NRS 533.370, before approving an application ~~for or a group of applications collectively applying,~~ for an interbasin transfer of more than 250 ~~[25 percent of the perennial yield or 1,000]~~ acre-feet of groundwater ~~[, whichever is less,]~~ from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to NRS 532.165 or 533.368, the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

(a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified or permitted right;

(b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and

(c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

(a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to NRS 533.090 to 533.320, inclusive, or to otherwise quantify any vested claims of water rights in the basin before approving an application for an interbasin transfer of groundwater from the basin; or

(b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory ~~[-]~~, *unless the time limit is waived by the applicant.*

Sec. 4. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

↪ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions of time within which construction work must be completed, or water must be applied to a beneficial use under any permit therefor issued by the State Engineer, but a single extension of time ~~for a municipal or quasi-municipal use for a public water system, as defined in NRS 445A.235,~~ must not exceed 5 years. ~~[, and any other single extension of time must not exceed 1 year, from the date for filing proofs established in the original permit or in a previous extension granted by the State Engineer.]~~ An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the *good faith* and reasonable diligence with which the applicant is pursuing the perfection of the application.

↪ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

☛ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 5. NRS 533.425 is hereby amended to read as follows:

533.425 1. Except as otherwise provided in NRS 533.503, as soon as practicable after satisfactory proof has been made to the State Engineer that any application to appropriate water or any application for permission to change the place of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the State Engineer shall issue to the holder or holders of the permit a certificate setting forth:

(a) The name ~~and post office address~~ of each holder of the permit.

(b) The date, source, purpose and amount of appropriation.

(c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.

(d) The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the State Engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.

Sec. 6. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to

appropriate water \$360.00

This fee includes the cost of publication, which is

\$50.

For reviewing a corrected application or map, or both, in

connection with an application for a water right permit 100.00

For examining and acting upon plans and specifications for

construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right.....	\$240.00
This fee includes the cost of publication, which is \$50.	
For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right.....	180.00
For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water , <i>watering livestock</i> or wildlife purposes	360.00
plus \$3 per acre-foot approved or fraction thereof.	
Except for generating hydroelectric power , <i>watering livestock</i> or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose.....	300.00
plus \$3 per acre-foot approved or fraction thereof.	
For issuing and recording each permit for additional rate of diversion <i>from a well</i> where no additional ~~volume~~ ~~(duty)~~ of water is granted	1,000.00
For issuing and recording each permit to change the point of diversion or place of use ~~{only}~~ of an existing right whether temporary or permanent for ~~{irrigational}~~ <i>irrigation</i> purposes, a maximum fee of	750.00
For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for <i>watering livestock</i> or wildlife purposes	240.00
plus \$50 for each <i>cubic</i> foot of water <i>per second</i> approved or fraction thereof.	
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water	480.00
plus \$50 for each ~~{second}~~ <i>cubic</i> foot <i>per second</i> of water approved or fraction thereof.	
For ~~{issuing}~~ <i>filing and examining a request for</i> a waiver in connection with an application to drill a well	120.00
For filing and examining a notice of intent to drill a well	25.00
For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells	300.00
For filing a secondary application under a reservoir permit	300.00
For approving and recording a secondary permit under a reservoir permit	540.00

For reviewing each tentative subdivision map	\$180.00
plus \$1 per lot.	
For reviewing and approving each final subdivision map	120.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet	480.00
plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.	
For flood control detention basins	480.00
plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.	
For filing proof of completion of work	60.00
For filing proof of beneficial use	60.00
For issuing and recording a certificate upon approval of the proof of beneficial use	350.00
For filing proof of resumption of a water right	360.00
For filing any protest	30.00
For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought	120.00
For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought	120.00
For reviewing a cancellation of a water right pursuant to a petition for review	360.00
For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384.....	120.00
plus \$20 per conveyance document.	
For filing any other instrument.....	10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page	1.00
For each additional page.....	.20
For certifying to copies of documents, records or maps, for each certificate.....	6.00
For each copy of any full size drawing or map	6.00
For each color copy of any full size drawing or map (2' x 3')	12.00
~~For each copy of any full size drawing or map (2' x 3')~~	~~3.00~~
For colored mylar plots	10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the Water Distribution Revolving Account created

pursuant to NRS 532.210. All fees received for ~~blueprint~~ copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the Water Distribution Revolving Account created pursuant to NRS 532.210.

Sec. 7. NRS 533.492 is hereby amended to read as follows:

533.492 1. A subsisting right to water livestock, *which is a pre-statutory vested right for watering livestock*, may be proven by an owner of livestock by one or more of the following items of evidence for the number of livestock and date of priority:

(a) As to water rights on open range, whether public lands or unfenced private lands or a combination of these:

(1) A statement of priority of use submitted to the Taylor Grazing Service, predecessor to the Bureau of Land Management, to show the numbers of livestock grazed upon the open range, for years from 1928 to 1934, inclusive, if accompanied by evidence of changes or absence of change since the date of the statement;

(2) A license issued by the Taylor Grazing Service for use upon the open range; or

(3) A statement of priority of use, or a license, issued by the United States Forest Service for the grazing of livestock before 1950.

(b) As to water rights on other privately owned land:

(1) An affidavit concerning the number and kind of livestock by a person familiar with the use made of the lands;

(2) A record of livestock assessed to the claimant of the right, or the claimant's predecessor, by a county assessor;

(3) A count of livestock belonging to the claimant or the claimant's predecessor made by a lender; or

(4) An affidavit of a disinterested person.

2. The location of a subsisting right to water livestock and its extent along a stream may be shown by marking upon a topographic map whose scale is not less than ~~1:100,000~~ 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude and by further identifying the location or extent by one-sixteenth sections within a numbered section, township and range as certified by a registered state water right surveyor.

Sec. 8. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion, *manner of use or place of use* under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the

application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place of intended use, or the lands, or part of the lands ~~[to be irrigated by means of the water,]~~ *identified as the place of use*, are situated within this state, the permit must be issued as in other cases, pursuant to the provisions of NRS 533.324 to 533.450, inclusive, and chapter 534 of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

Sec. 9. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse.

2. ~~If the records of the State Engineer or any other documents [specified] obtained by or provided to the State Engineer indicate [at least] 4 or more consecutive years, [but less than 5 consecutive years,]~~ of nonuse of all or any part of a water right which is governed by this chapter ~~[, the]~~ :

~~(a) The~~ State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail of the nonuse and that the owner has 1 year after the date of the notice of nonuse in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection ~~[2]~~ 3 to avoid forfeiting the water right.

~~(b) If, after 1 year after the date of the notice [2] of nonuse pursuant to paragraph (a), proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, send a final notice to the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail, that the water right is held for forfeiture. If the owner of the water right, within 30 days after the date of such final notice, fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture, the State Engineer shall declare the right, or the portion of the right not returned to beneficial use, forfeited. [within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon]~~ The State Engineer shall send notice of the declaration of forfeiture, by registered or certified mail, to the owner of record [whose], as determined in

the records of the Office of the State Engineer, of the water right that has been declared forfeited. ~~1.~~

(c) If, after receipt of a notice of the declaration of forfeiture pursuant to paragraph (b), the owner of record of the water right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. ~~1.~~ ~~The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.~~

~~2.~~ Upon the forfeiture of the water right, the water reverts to the public and is available for further appropriation, subject to existing rights.

3. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under ~~that~~ subsection 2 if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has ~~shown good cause for~~ submitted proof and evidence that the holder's failure to use all or any part of the holder is proceeding in good faith and with reasonable diligence to resume use of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The ~~unavailability of~~ number of years during which the water to ~~has not been put to~~ the beneficial use for which the right is beyond the control of the holder; acquired or claimed.

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

~~(d) Any prolonged period in which precipitation in the basin where~~ Whether the water right is located ~~is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin;~~ within a county under a declaration of drought by the Governor, United States Secretary of Agriculture or the President of the United States;

(e) Whether a groundwater management plan has been approved for the basin where the water right is located pursuant to NRS 534.037; ~~and~~

(f) Whether the holder has demonstrated ~~efficient ways of using the~~ efforts to conserve water ~~for agricultural purposes, such as center pivot irrigation, which have resulted in a reduction in water consumption;~~

(g) The date of priority of the water right as it relates to the potential curtailment of water use in the basin;

(h) The availability of water in the basin, including, without limitation, whether withdrawals of water consistently exceed the perennial yield of the basin; and

(i) Any orders restricting use or appropriation of water in the basin.

↪ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall declare the water right, or the portion of the right not returned to beneficial use, forfeited. ~~[within 30 days after the expiration of the extension granted pursuant to this subsection.~~

~~3. If the failure to use the water pursuant to subsection 1 is because of the use of center pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.]~~

4. The failure to receive a notice pursuant to subsection 2 or 3 does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

5. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 10. ~~[NRS 534.120 is hereby amended to read as follows:~~

~~534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.~~

~~2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:~~

~~—(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock watering uses; and~~

~~—(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.~~

~~3. Except as otherwise provided in subsection 5, the State Engineer may:~~

~~—(a) Issue [temporary] revocable permits to appropriate groundwater which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.~~

~~—(b) Deny applications to appropriate groundwater for any use in areas served by such an entity.~~

~~—(c) Limit the depth of domestic wells.~~

~~—(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.~~

~~—(e) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.~~

~~4. The State Engineer may revoke a [temporary] revocable permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the revocable permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~—(a) The distance from the property line of any parcel served by a well pursuant to a [temporary] revocable permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~—(b) The well providing water pursuant to the [temporary] revocable permit needs to be redrilled or have repairs made which require the use of a well drilling rig.~~

~~5. The State Engineer may [, in an area in which have been issued temporary permits pursuant to subsection 3,] limit the depth of a domestic well [pursuant to paragraph (c) of subsection 3] or prohibit [repairs from being made to] the reconditioning of a well, and may require the person proposing~~

~~to [deepen or repair] recondition the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~— (a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~— (b) The [deepening or repair] reconditioning of the well would require the use of a well drilling rig.~~

~~— 6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.~~

~~— 7. If a user of a domestic well is furnished water by an entity such as a water district or a municipality, the domestic well must be plugged pursuant to the provisions of any applicable regulations adopted by the State Engineer.~~

~~— 8. The provisions of this section do not prohibit the State Engineer from revoking a [temporary] revocable permit issued pursuant to this section if any parcel served by a well pursuant to the [temporary] revocable permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 534.125 is hereby amended to read as follows:~~

~~534.125 If the State Engineer issues a [temporary] revocable permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which the State Engineer has issued such a [temporary] revocable permit, the State Engineer shall file a notice with the county recorder of the county in which the revocable permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:~~

~~— 1. A [temporary] revocable permit may be revoked;~~

~~— 2. The owner of a domestic well may be prohibited from [deepening or repairing] reconditioning the well; and~~

~~— 3. The owner of the property served by the well may be required to connect to this water source at his or her own expense.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 534.130 is hereby amended to read as follows:~~

~~534.130 The State Engineer, or the assistants or authorized agents of the State Engineer, [and the Artesian Well Supervisor, or the assistants of the Artesian Well Supervisor, shall have the right to] may enter the [premises] land of any owner or proprietor where any well mentioned in this chapter is situated or where water is being used at any reasonable hour of the day for the purpose of investigating and carrying out [their] the duties [in the administration] of the State Engineer pursuant to this chapter.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 534.180 is hereby amended to read as follows:~~

~~534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of~~

~~underground water from a well for domestic purposes where the draught does not exceed 2 acre feet per year.~~

~~2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.~~

~~3. The State Engineer may require the plugging of [such] a domestic well [which is drilled on or after July 1, 1981,] at any time not sooner than 1 year after water can be furnished to the site by:~~

~~(a) A political subdivision of this State; or~~

~~(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada; or~~

~~but only if the charge for making the connection to the service is less than \$200.]~~

~~4. If the development and use of underground water from a well for an accessory dwelling unit of a single family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:~~

~~(a) The owner of the well shall:~~

~~(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;~~

~~(2) Install a water meter capable of measuring the total withdrawal of water from the well; and~~

~~(3) Ensure the total withdrawal of water from the well does not exceed 2 acre feet per year;~~

~~(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;~~

~~(c) The State Engineer shall monitor the annual withdrawal of water from the well; and~~

~~(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.] (Deleted by amendment.)~~

Sec. 14. [NRS 249.981 is hereby amended to read as follows:

~~249.981 1. There is hereby established a program to provide grants of money to:~~

~~(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.~~

~~—(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:~~

- ~~—(1) Piping or lining of an irrigation canal;~~
- ~~—(2) Recovery or recycling of wastewater or tailwater;~~
- ~~—(3) Scheduling of irrigation;~~
- ~~—(4) Measurement or metering of the use of water;~~
- ~~—(5) Improving the efficiency of irrigation operations; and~~
- ~~—(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.~~

~~—(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a [temporary] revocable permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:~~

- ~~—(1) Any local or regional fee for connection to the municipal water system;~~
- ~~—(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.~~

~~—(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.200 to 445A.730, inclusive, or any regulations adopted pursuant thereto:~~

- ~~—(1) Any local or regional fee for connection to the community sewage disposal system.~~
- ~~—(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.~~

~~—(e) An eligible recipient to pay the following costs associated with connecting a well to a municipal water system, if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:~~

- ~~—(1) Any local or regional fee for connection to the municipal water system;~~
- ~~—(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.~~

~~2. Except as otherwise provided in NRS 349.093, the determination of who is to receive a grant is solely within the discretion of the Board.~~

~~3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:~~

~~(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.~~

~~(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.~~

~~(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.~~

~~4. As used in this section, "eligible recipient" means:~~

~~(a) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.~~

~~(b) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.] (Deleted by amendment.)~~

Sec. 15. [Section 14 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 113, Statutes of Nevada 2003, at page 624, is hereby amended to read as follows:

~~Sec. 14. Money collected pursuant to section 13 of this act must be used to:~~

~~1. Develop and distribute information promoting education and the conservation of groundwater in the Basin.~~

~~2. Perform such comprehensive inventories of wells of all types located within the basin as may be needed. Such inventories must be done in conjunction with the State Engineer.~~

~~3. Prepare, for use by the Advisory Committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the Basin as may be needed.~~

~~4. Develop recommendations for additional activities for the management of the Basin and the protection of the aquifer in which the Basin is located, and to conduct such activities if the activities have been approved by the Board of Directors.~~

~~5. Develop and implement a program to provide financial assistance to pay at least 50 percent but not more than 85 percent of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water,~~

~~as determined by the Southern Nevada Water Authority, to owners of real property served by:~~

~~— (a) Domestic wells; or~~

~~— (b) Wells that are operated pursuant to [temporary] revocable permits,~~

~~→ who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.~~

~~— 6. Pay the costs associated with abandoning and plugging wells on the real property of persons who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.~~

~~— 7. Perform such other duties as are necessary for the Southern Nevada Water Authority and the Advisory Committee to carry out the provisions of this act.] (Deleted by amendment.)~~

Sec. 16. Section 8 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 180, Statutes of Nevada 2011, at page 820, is hereby amended to read as follows:

Sec. 8. 1. The *Southern Nevada Water Authority may create an* Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. ~~is hereby created. The~~ *If created,* ~~the~~ Advisory Committee consists of:

(a) Seven members to be appointed by the Board of Directors, including:

(1) Two persons who own and operate domestic wells located in the Basin;

(2) One representative of an organization that owns and operates a quasi-municipal well located in the Basin;

(3) One representative of an industrial or commercial user of groundwater which is located in the Basin;

(4) One representative of a private water company which operates in the Basin;

(5) One consumer whose water service is provided entirely by a municipal water purveyor which is located in the Basin; and

(6) One representative of a municipal water purveyor that owns and operates wells located in the Basin;

(b) The State Engineer, or a designated representative of the State Engineer, who is an ex officio nonvoting member of the Advisory Committee; and

(c) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or a designated representative of the Administrator, who is an ex officio nonvoting member of the Advisory Committee.

2. Members of the Advisory Committee serve without compensation. ~~[, except that while engaged in the business of the Advisory Committee, each member is entitled to the per diem~~

~~allowance and travel expenses provided for state officers and employees generally, to be paid by the Southern Nevada Water Authority.~~

3. ~~[After the initial term, the]~~ *The* term of each appointed member is ~~[4] 2~~ years. Members may be reappointed. ~~[At the expiration of the term of a member, or if]~~ *If* a member resigns or is otherwise unable to ~~[complete his or her term,]~~ *serve*, the Board of Directors shall, not later than 90 days after the vacancy occurs, appoint a person pursuant to subsection 4 to fill the vacancy.

4. In ~~[replacing a member]~~ *appointing the members* described in:

(a) Subparagraph (1), (2) or (3) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from a representative sampling of owners of domestic wells, persons and organizations associated with quasi-municipal wells, and industrial and commercial users of groundwater, respectively.

(b) Subparagraph (4), (5) or (6) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from the various entities that comprise the Southern Nevada Water Authority.

Sec. 17. Section 11 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, at page 2801, is hereby amended to read as follows:

Sec. 11. 1. At least once each calendar year, the ~~[advisory committee and the]~~ Southern Nevada Water Authority shall conduct a ~~[joint]~~ workshop to discuss issues related to the basin and the management program. The Southern Nevada Water Authority shall give public notice of the workshop in accordance with NRS 241.020. ~~[Members of the general public, owners of wells and other interested persons must be encouraged to attend the joint workshop.]~~

2. The issues and concerns expressed on the record by persons attending the ~~[joint]~~ workshop must be recorded in writing and appended to the summary and ~~[joint]~~ reports prepared pursuant to section 12 of this act.

Sec. 18. Section 12 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 180, Statutes of Nevada 2011, at page 821, is hereby amended to read as follows:

Sec. 12. On or before December 31 of each even-numbered year, the Southern Nevada Water Authority shall prepare a report and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature. The report must include, without limitation:

1. A summary of all of the activities, studies and research conducted on behalf of the Management Program during the previous 2 calendar years;

2. A detailed assessment of the ~~[joint]~~ public workshops conducted by the Southern Nevada Water Authority ~~[and the Advisory Committee]~~ during the previous 2 calendar years, including documentation of the

comments made on the record by the members of the general public who attended the workshops;

3. A statement of income and expenditures related to the Management Program; and

4. An assessment from the Advisory Committee, *if created*, concerning the status of the groundwater in the Basin and the activities related to the management of the Basin, including any recommendations concerning:

(a) Whether activities, fees and other aspects of the Management Program should be continued, modified or terminated; and

(b) Plans for additional activities for the management of groundwater in the Basin, and for the protection of the aquifer in which the Basin is located.

Sec. 19. Section 9 of chapter 572, Statutes of Nevada 1997, as amended by chapter 180, Statutes of Nevada 2011, at page 821, is hereby repealed.

~~[Sec. 16.]~~ Sec. 20. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

Section 9 of chapter 572, Statutes of Nevada 1997:

Sec. 9. The Advisory Committee shall meet at least once every year.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 601 to Senate Bill No. 47 deletes sections 10 through 15; requires the State Engineer to prepare a water budget and inventory of groundwater for each basin in the State; provides that if the records of the State Engineer indicate four or more consecutive years of nonuse of water, the State Engineer must notify the owner of the nonuse and that the owner has one year to provide proof of beneficial use of water to avoid forfeiture; provides certain considerations that must be used by the State Engineer in determining whether or not to grant an extension to work a forfeiture; increases to five years the maximum period for a single extension to file proofs for any manner of use, to match the maximum period allowed for a municipal/quasi-municipal use; and makes clarifying changes to the Southern Nevada Water Authority Act as requested by the Southern Nevada Water Authority.

Amendment adopted.

The following amendment was proposed by Senator Cancela.

Amendment No. 602.

SUMMARY—Makes various changes relating to the appropriation of water. (BDR 48-499)

AN ACT relating to water; declaring the policy of this State to manage conjunctively all sources of water in this State; revising provisions relating to certain applications to appropriate water; revising provisions relating to certain fees collected by the State Engineer; revising the time period in which the State Engineer must declare a forfeiture of certain water rights; revising provisions relating to temporary permits to appropriate water; revising provisions relating to domestic wells; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is charged with managing the appropriation of water in this State. (Title 48 of NRS) Section 1 of this bill declares the policy of this State to manage conjunctively the appropriation, use and administration of all water in this State, regardless of the source.

Existing law requires any person who wishes to appropriate public waters to apply to the State Engineer for a permit to do so. (NRS 533.325) Section ~~4~~ 1.5 of this bill revises the requirements for an application for a permit to appropriate water. Section 2 of this bill requires the State Engineer to publish notice of an application to appropriate water in a newspaper of general circulation where the point of diversion is located.

Existing law requires the State Engineer to conduct an inventory of a basin from which water is to be exported before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater if the basin has not previously been studied or inventoried. (NRS 533.364) Section 3 of this bill requires the State Engineer to instead conduct the inventory before approving an application, or group of applications collectively applying, for an interbasin transfer of more than 25 percent of the perennial yield or 1,000 acre-feet of groundwater, whichever is less.

Upon approving an application for a permit to appropriate water, existing law authorizes the State Engineer to extend the deadline by which construction related to the appropriation of water or the application of water to a beneficial use must be completed or made. A single extension, other than for a municipal or quasi-municipal use for a public water system, may not exceed 1 year. (NRS 533.380) Section 4 of this bill clarifies that the single extension may not exceed 1 year from the date for filing proofs provided in the original permit or a previous extension. Section 4 also requires an application to extend the deadline to include evidence of good faith on the part of the applicant in pursuing the perfection of the application.

Section 5 of this bill eliminates the requirement that a certificate of appropriation set forth the post office address of each holder of the permit.

Section 6 of this bill revises provisions relating to certain fees collected by the State Engineer.

Existing law recognizes a subsisting right to water livestock which may be proved by the owner of livestock by submitting certain evidence to the State Engineer. (NRS 533.492) Section 7 of this bill revises the scale required for a topographic map showing the location of a subsisting right to water livestock from not less than 1:100,000 to not less than 1:24,000. Section 7 also provides that a subsisting right to water livestock is a pre-statutory vested right.

Existing law prohibits the denial of an application to change the point of diversion under an existing water right on the basis that the proposed point of diversion is situated in another state. Section 8 of this bill adds the same restriction for applications to change the manner of use or place of use.

Existing law requires, under certain circumstances, the State Engineer to notify the owner of a water right that the owner has 1 year after the date of the

notice to either: (1) use the water right beneficially and provide proof of such use to the State Engineer; or (2) apply to the State Engineer for an extension of time to work a forfeiture of the water right. If, after 1 year after the date of the notice, the owner of the water right has not taken either action, the State Engineer is required to declare the right forfeited within 30 days. (NRS 534.090) Section 9 of this bill eliminates the 30-day period.

Existing law authorizes the State Engineer to issue temporary permits to appropriate groundwater in certain designated areas and limit the depth and prohibit reconditioning of domestic wells in such areas. (NRS 534.120) Section 10 of this bill renames such a temporary permit as a revocable permit. Sections 11, 14 and 15 of this bill make conforming changes.

Section 10 of this bill also expands the areas in which the State Engineer may limit the depth or prohibit the reconditioning of a domestic well. Further, section 10 requires that a domestic well whose user is furnished water by an entity such as a water district or municipality must be plugged in accordance with any applicable regulations adopted by the State Engineer.

Existing law authorizes the State Engineer, assistants and Artesian Well Supervisor to enter the premises to investigate and carry out duties. Section 12 of this bill revises the scope of this authority to apply only to the State Engineer, assistants and authorized agents and adds access to the place where the water is being used.

Under existing law, the State Engineer may, under certain circumstances, require the plugging of a domestic well if water can be furnished to the site by a political subdivision of the State or certain public utilities. (NRS 534.180) Section 13 of this bill removes the requirements that, in order for the State Engineer to require the plugging of the domestic well: (1) the domestic well must have been drilled on or after July 1, 1981; and (2) the charge for making the connection to the water service is less than \$200.

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

Section 1. NRS 533.024 is hereby amended to read as follows:

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

(e) To manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

~~[Section 1.]~~ Sec. 1.5. NRS 533.335 is hereby amended to read as follows:

533.335 Each application for a permit to appropriate water shall contain the following information:

1. The name and post office address of the applicant and, if the applicant is a corporation, the date and place of incorporation.

2. The name of the source from which the appropriation is to be made.

3. The amount of water which it is desired to appropriate, expressed in terms of cubic feet per second ~~[.]~~ and acre-feet per year, except in an application for a permit to store water, where the amount shall be expressed in acre-feet ~~[.]~~, and except for a diversion rate only application, where the amount shall be expressed in cubic feet per second.

4. The purpose for which the application is to be made.

5. A substantially accurate description of the location of the place at which the water is to be diverted from its source and, if any of such water is to be returned to the source, a description of the location of the place of return.

6. A description of the proposed works.

7. The estimated cost of such works.

8. The estimated time required to construct the works, and the estimated time required to complete the application of the water to beneficial use.

9. The signature of the applicant or a properly authorized agent thereof.

Sec. 2. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation ~~[and printed and published]~~ in the county where the ~~[water is sought to be appropriated.]~~ point of diversion is located, a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

↪ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

↪ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 3. NRS 533.364 is hereby amended to read as follows:

533.364 1. In addition to the requirements of NRS 533.370, before approving an application , *or a group of applications collectively applying*, for an interbasin transfer of more than ~~[250]~~ *25 percent of the perennial yield or 1,000 acre-feet of groundwater , whichever is less*, from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to NRS 532.165 or 533.368, the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

(a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified or permitted right;

(b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and

(c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

(a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to NRS 533.090 to 533.320, inclusive, or to otherwise quantify any vested claims of water rights in the

basin before approving an application for an interbasin transfer of groundwater from the basin; or

(b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory ~~[-]~~, *unless the time limit is waived by the applicant.*

Sec. 4. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,
 ➤ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions of time within which construction work must be completed, or water must be applied to a beneficial use under any permit therefor issued by the State Engineer, but a single extension of time for a municipal or quasi-municipal use for a public water system, as defined in NRS 445A.235, must not exceed 5 years, and any other single extension of time must not exceed 1 year ~~[-]~~ *from the date for filing proofs established in the original permit or in a previous extension granted by the State Engineer.* An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the *good faith and* reasonable diligence with which the applicant is pursuing the perfection of the application.
↪ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

↪ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 5. NRS 533.425 is hereby amended to read as follows:

533.425 1. Except as otherwise provided in NRS 533.503, as soon as practicable after satisfactory proof has been made to the State Engineer that any application to appropriate water or any application for permission to

change the place of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the State Engineer shall issue to the holder or holders of the permit a certificate setting forth:

- (a) The name ~~and post office address~~ of each holder of the permit.
- (b) The date, source, purpose and amount of appropriation.
- (c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.
- (d) The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the State Engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.

Sec. 6. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water \$360.00
This fee includes the cost of publication, which is \$50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit 100.00

For examining and acting upon plans and specifications for construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right..... 240.00

This fee includes the cost of publication, which is \$50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right..... 180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water , *watering livestock* or wildlife purposes 360.00
plus \$3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power , *watering livestock* or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose..... 300.00
plus \$3 per acre-foot approved or fraction thereof.

For issuing and recording each permit for additional rate of diversion *from a well* where no additional volume ~~rate~~ of water is granted 1,000.00

For issuing and recording each permit to change the point of diversion or place of use ~~{only}~~ of an existing right whether temporary or permanent for ~~{irrigational}~~ irrigation purposes, a maximum fee of	\$750.00
For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes	240.00
plus \$50 for each cubic foot of water <i>per second</i> approved or fraction thereof.	
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water	480.00
plus \$50 for each ~~{second}~~ cubic foot <i>per second</i> of water approved or fraction thereof.	
For ~~{issuing}~~ filing and examining a request for a waiver in connection with an application to drill a well	120.00
For filing and examining a notice of intent to drill a well	25.00
For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells	300.00
For filing a secondary application under a reservoir permit	300.00
For approving and recording a secondary permit under a reservoir permit	540.00
For reviewing each tentative subdivision map	180.00
plus \$1 per lot.	
For reviewing and approving each final subdivision map	120.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet	480.00
plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.	
For flood control detention basins	480.00
plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.	
For filing proof of completion of work	60.00
For filing proof of beneficial use	60.00
For issuing and recording a certificate upon approval of the proof of beneficial use	350.00
For filing proof of resumption of a water right	360.00
For filing any protest	30.00

For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought	\$120.00
For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought.....	120.00
For reviewing a cancellation of a water right pursuant to a petition for review	360.00
For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384.....	120.00
plus \$20 per conveyance document.	
For filing any other instrument.....	10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page	1.00
For each additional page.....	.20
For certifying to copies of documents, records or maps, for each certificate.....	6.00
For each copy of any full size drawing or map	6.00
For each color copy of any full size drawing or map (2' x 3')	12.00
~~For each copy of any full size drawing or map (2' x 3')~~	~~3.00~~
For colored mylar plots	10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the Water Distribution Revolving Account created pursuant to NRS 532.210. All fees received for ~~blueprint~~ copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the Water Distribution Revolving Account created pursuant to NRS 532.210.

Sec. 7. NRS 533.492 is hereby amended to read as follows:

533.492 1. A subsisting right to water livestock, *which is a pre-statutory vested right for watering livestock*, may be proven by an owner of livestock by one or more of the following items of evidence for the number of livestock and date of priority:

(a) As to water rights on open range, whether public lands or unfenced private lands or a combination of these:

(1) A statement of priority of use submitted to the Taylor Grazing Service, predecessor to the Bureau of Land Management, to show the numbers

of livestock grazed upon the open range, for years from 1928 to 1934, inclusive, if accompanied by evidence of changes or absence of change since the date of the statement;

(2) A license issued by the Taylor Grazing Service for use upon the open range; or

(3) A statement of priority of use, or a license, issued by the United States Forest Service for the grazing of livestock before 1950.

(b) As to water rights on other privately owned land:

(1) An affidavit concerning the number and kind of livestock by a person familiar with the use made of the lands;

(2) A record of livestock assessed to the claimant of the right, or the claimant's predecessor, by a county assessor;

(3) A count of livestock belonging to the claimant or the claimant's predecessor made by a lender; or

(4) An affidavit of a disinterested person.

2. The location of a subsisting right to water livestock and its extent along a stream may be shown by marking upon a topographic map whose scale is not less than ~~1:100,000~~ 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude and by further identifying the location or extent by one-sixteenth sections within a numbered section, township and range as certified by a registered state water right surveyor.

Sec. 8. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion, *manner of use or place of use* under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place of intended use, or the lands, or part of the lands ~~[to be irrigated by means of the water,]~~ *identified as the place of use*, are situated within this state, the permit must be issued as in other cases, pursuant to the provisions of NRS 533.324 to 533.450, inclusive, and chapter 534 of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

Sec. 9. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined

rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited . ~~[within 30 days.]~~ Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin;

(e) Whether a groundwater management plan has been approved for the basin pursuant to NRS 534.037; and

(f) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➔ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State

Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall declare the water right forfeited ~~[within 30 days]~~ after the expiration of the extension granted pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 10. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. Except as otherwise provided in subsection 5, the State Engineer may:

(a) Issue ~~[temporary]~~ *revocable* permits to appropriate groundwater which can be limited as to time and which may, except as limited by subsection 4, be

revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(b) Deny applications to appropriate groundwater for any use in areas served by such an entity.

(c) Limit the depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(e) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

4. The State Engineer may revoke a ~~{temporary}~~ *revocable* permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the *revocable* permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by a well pursuant to a ~~{temporary}~~ *revocable* permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The well providing water pursuant to the ~~{temporary}~~ *revocable* permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.

5. The State Engineer may ~~{, in an area in which have been issued temporary permits pursuant to subsection 3,}~~ limit the depth of a domestic well ~~{pursuant to paragraph (c) of subsection 3}~~ or prohibit ~~{repairs from being made to}~~ the *reconditioning* of a well, and may require the person proposing to ~~{deepen or repair}~~ *recondition* the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The ~~{deepening or repair}~~ *reconditioning* of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. *If a user of a domestic well is furnished water by an entity such as a water district or a municipality, the domestic well must be plugged pursuant to the provisions of any applicable regulations adopted by the State Engineer.*

8. The provisions of this section do not prohibit the State Engineer from revoking a ~~temporary~~ *revocable* permit issued pursuant to this section if any parcel served by a well pursuant to the ~~temporary~~ *revocable* permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 11. NRS 534.125 is hereby amended to read as follows:

534.125 If the State Engineer issues a ~~temporary~~ *revocable* permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which the State Engineer has issued such a ~~temporary~~ *revocable* permit, the State Engineer shall file a notice with the county recorder of the county in which the *revocable* permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A ~~temporary~~ *revocable* permit may be revoked;
2. The owner of a domestic well may be prohibited from ~~deepening or repairing~~ *reconditioning* the well; and
3. The owner of the property served by the well may be required to connect to this water source at his or her own expense.

Sec. 12. NRS 534.130 is hereby amended to read as follows:

534.130 The State Engineer, or the assistants or authorized agents of the State Engineer, ~~and the Artesian Well Supervisor, or the assistants of the Artesian Well Supervisor, shall have the right to~~ *may enter the* ~~premises~~ *land* of any owner or proprietor where any well mentioned in this chapter is situated *or where water is being used* at any reasonable hour of the day for the purpose of investigating and carrying out ~~their~~ *the* duties ~~in the administration~~ of *the State Engineer pursuant to* this chapter.

Sec. 13. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of ~~such~~ *a domestic well* ~~[which is drilled on or after July 1, 1981,]~~ at any time not sooner than 1 year after water can be furnished to the site by:

- (a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada . ~~↳~~

~~→ but only if the charge for making the connection to the service is less than \$200.]~~

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 14. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a ~~temporary~~ revocable permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer

pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with connecting a well to a municipal water system, if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory

provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section, "eligible recipient" means:

(a) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(b) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

Sec. 15. Section 14 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 113, Statutes of Nevada 2003, at page 624, is hereby amended to read as follows:

Sec. 14. Money collected pursuant to section 13 of this act must be used to:

1. Develop and distribute information promoting education and the conservation of groundwater in the Basin.

2. Perform such comprehensive inventories of wells of all types located within the basin as may be needed. Such inventories must be done in conjunction with the State Engineer.

3. Prepare, for use by the Advisory Committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the Basin as may be needed.

4. Develop recommendations for additional activities for the management of the Basin and the protection of the aquifer in which the Basin is located, and to conduct such activities if the activities have been approved by the Board of Directors.

5. Develop and implement a program to provide financial assistance to pay at least 50 percent but not more than 85 percent of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water, as determined by the Southern Nevada Water Authority, to owners of real property served by:

(a) Domestic wells; or

(b) Wells that are operated pursuant to ~~temporary~~ *revocable* permits,

↳ who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

6. Pay the costs associated with abandoning and plugging wells on the real property of persons who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

7. Perform such other duties as are necessary for the Southern Nevada Water Authority and the Advisory Committee to carry out the provisions of this act.

Sec. 16. This act becomes effective upon passage and approval.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 602 to Senate Bill No. 47 adds the legislative declaration that it is the policy of this State to manage conjunctively the appropriation, use and administration of all waters of this State regardless of the source of the water.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 310.

SUMMARY—Revises provisions concerning the confidentiality of certain personal information of certain persons and entities. ~~contained in certain records.~~ (BDR 20-400)

AN ACT relating to confidential information; revising provisions concerning certain personal information contained in the records of a county assessor; authorizing certain persons and entities to request that certain personal information contained in the records of a county assessor, county recorder, the Secretary of State, or a county or city clerk ~~for the Department of Motor Vehicles~~ remain confidential; authorizing disclosure of such confidential information in certain circumstances; authorizing the denial of a request for such confidential information in certain circumstances; authorizing certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card; authorizing the Department to adopt regulations; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) any justice or judge in this State; (2) any peace officer or retired peace officer; (3) the spouse or minor child of any such person; or (4) the surviving spouse or minor child of any such person who was killed in the performance of his or her duties to request that his or her home address or any photograph thereof that is contained in the records of a county assessor be kept confidential. A person who wishes to have such personal information be kept confidential is required to obtain an order of a court, based on a sworn affidavit by the person, requiring the county assessor to maintain the personal information in a confidential manner. A county assessor is authorized to provide such confidential information for use in certain limited circumstances and to deny a request for confidential information if he or she reasonably believes that the information may be used in an unauthorized manner. (NRS 250.120-250.170)

Existing law provides that a person who violates certain provisions relating to obtaining or disclosing any such confidential information is guilty of a misdemeanor. Additionally, a court may order a person who violates such a

provision to pay a civil penalty in an amount not to exceed \$2,500 for each act. (NRS 250.210-250.230)

Section 14 of this bill adds to the list of people authorized to request that personal information contained in the records of a county assessor be kept confidential: (1) any senior justice or senior judge in this State; (2) any court-appointed master ~~for judge pro tempore~~ in this State; (3) any clerk of a court, court administrator, ~~or~~ court executive officer, ~~clerk, deputy clerk or other employee of a court,~~ in this State; (4) any prosecutor or state or county public defender; (5) the domestic partner of any such person or any justice, judge, peace officer or retired peace officer; and ~~the~~ (6) the surviving domestic partner of any such person or any justice, judge, peace officer or retired peace officer who was killed in the performance of his or her duties. Section 13 of this bill : (1) includes any telephone number or electronic mail address of a person as personal information that ~~the~~ a person may request to be kept confidential ~~it~~; (2) removes the photograph of the home of a person and the photograph of the spouse or minor child of a person from personal information that a person may request to be confidential. Sections 13-14 also provide that any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that any information pertaining to such a confidential location that is contained in the records of a county assessor be kept confidential.

Sections 2-12 ~~and~~ and 18-28 ~~and 30-40~~ of this bill, respectively, apply the provisions of existing law relating to personal information contained in the records of a county assessor to personal information contained in the records of: (1) a county recorder; and (2) the Secretary of State or a county or city clerk ~~, and (3) the Department of Motor Vehicles.~~ Accordingly, Sections 2-12 ~~and~~ and 18-28 ~~and 30-40~~ establish new provisions which are generally modeled after the provisions of existing law relating to personal information contained in the records of a county assessor. Sections 6 and 22 of this bill, respectively, authorize any district attorney or attorney employed by the district attorney or certain state or county public defenders to request that personal information contained in the records of a county recorder or the Secretary of State or county or city clerk be kept confidential. Section 6 additionally authorizes any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence to request that information pertaining to such a confidential location that is contained in the records of a county recorder be kept confidential. Sections 8 and 24 of this bill, respectively, authorize a county recorder or the Secretary of State or a county or city clerk to provide confidential information for use by a title agent or title insurer acting in that capacity.

Section 34 of this bill: (1) authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card; and (2) authorizes the Department to adopt regulations relating to such a procedure.

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

Section 1. Chapter 247 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Confidential information" means personal information deemed confidential pursuant to section 5 of this act.

Sec. 4. "Personal information" means:

1. The home address of a person;
2. The home address of the spouse, domestic partner or minor child of a person;

3. ~~Any photograph of the home of a person;~~

~~4. Any photograph of the home of the spouse, domestic partner or minor child of a person; and~~

~~5. Any telephone number or electronic mail address of a person; and~~

4. Any information pertaining to a confidential location maintained by a nonprofit entity in this State for the purpose of providing shelter to victims of domestic violence.

↪ but does not include an assessor's parcel number.

Sec. 5. 1. Any person or entity listed in section 6 of this act who wishes to have the personal information ~~(about himself or herself)~~ of the person or entity that is contained in the records of a county recorder be kept confidential must obtain an order of a court that requires the county recorder to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person ~~or~~ or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in section 6 of this act ~~or that the entity on behalf of whom the person is signing qualifies as an entity listed in section 6 of this act;~~

(b) Sets forth sufficient justification for the request for confidentiality. ~~or~~ and

(c) Sets forth the document numbers of all records of a county recorder that contain confidential information.

2. Upon receipt of such an order, a county recorder shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person ~~or~~ or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

Sec. 6. 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of section 4 of this act that is contained in the records of a county recorder be kept confidential:

~~or~~ (a) Any justice or judge in this State.

~~{2.}~~ (b) Any senior justice or senior judge in this State.

~~{3.}~~ (c) Any court-appointed master ~~for judge pro tempore~~ in this State.

~~{4.}~~ (d) Any ~~clerk of a court, court administrator, or court executive officer, clerk, deputy clerk or other employee of a court,~~ in this State.

~~{5.}~~ (e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) The spouse, domestic partner or minor child of a person described in ~~subsections 1 to 4,~~ paragraphs (a) to (f), inclusive.

~~{6.}~~ (h) The surviving spouse, domestic partner or minor child of a person described in ~~subsections 1 to 4,~~ paragraphs (a) to (f), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of section 4 of this act that is contained in the records of a county recorder be kept confidential.

Sec. 7. If a person or entity listed in section 6 of this act requests confidentiality, the confidential information of that person or entity may only be disclosed as provided in NRS 239.0115 or section 8 of this act or as otherwise specifically authorized by law.

Sec. 8. 1. A county recorder may provide confidential information for use:

(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.

(c) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.

(d) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.

(f) In the bulk distribution of surveys, marketing material or solicitations, if the county recorder has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.

(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.

(h) By a title agent or title insurer acting pursuant to chapter 692A of NRS.

2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:

(a) Each person to whom the information is sold or disclosed; and

(b) The purpose for which that person will use the information.

Sec. 9. Except for a request from a governmental entity pursuant to paragraph (a) of subsection 1 of section 8 of this act or in response to an order of a federal or state court pursuant to paragraph (b) of subsection 1 of section 8 of this act, a county recorder may deny a request for confidential information if the county recorder reasonably believes that the information may be used in an unauthorized manner.

Sec. 10. 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to sections 2 to 9, inclusive, of this act; or

(b) Knowingly obtain or disclose information pursuant to sections 2 to 9, inclusive, of this act for any use not authorized pursuant to sections 2 to 9, inclusive, of this act.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 11. If a person discloses confidential information about a person or entity listed in section 6 of this act in violation of sections 2 to 9, inclusive, of this act and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains ~~to~~ or to a person to whom the entity is providing shelter, as applicable, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 12. In addition to any penalty imposed pursuant to section 10 or 11 of this act, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed \$2,500 for each act.

Sec. 13. NRS 250.120 is hereby amended to read as follows:

250.120 "Personal information" means:

1. The home address of ~~the~~ a person;

2. The home address of the spouse, *domestic partner* or minor child of ~~the~~ a person;

3. ~~Any photograph of the home of the a person; and~~

~~4. Any photograph of the home of the spouse, domestic partner or minor child of the a person; ; and~~

~~5. Any telephone number or electronic mail address of a person ~~or~~; and~~

4. Any information pertaining to a confidential location maintained by a nonprofit entity in this State for the purpose of providing shelter to victims of domestic violence.

↪ but does not include an assessor's parcel number.

Sec. 13.5. NRS 250.130 is hereby amended to read as follows:

250.130 1. Any person or entity listed in NRS 250.140 who wishes to have the personal information ~~about himself or herself~~ of the person or entity that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person ~~or~~ or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 250.140 ~~or~~ or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 250.140; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. Upon receipt of such an order, a county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person ~~or~~ or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

Sec. 14. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) *Any senior justice or senior judge in this State.*

(c) *Any court-appointed master ~~for judge pro tempore~~ in this State.*

(d) Any clerk of a court, court administrator ~~or~~ or court executive officer ~~clerk, deputy clerk or other employee of a court~~ in this State.

(e) Any peace officer or retired peace officer.

~~(e)~~ (f) Any prosecutor.

~~(g)~~ (g) Any state or county public defender.

(h) The spouse, *domestic partner* or minor child of a person described in ~~paragraph~~ paragraphs (a) ~~for (b)~~.

~~(d)~~ to ~~(e)~~ (g), inclusive.

~~[(g)]~~ (i) The surviving spouse, domestic partner or minor child of a person described in ~~[paragraph]~~ paragraphs (a) ~~or (b)]~~ to ~~[(e)]~~ (g), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section ~~["peace"]~~:

(a) "Peace officer" means:

~~[(a)]~~ (1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

~~[(b)]~~ (2) Any person:

~~[(1)]~~ (I) Who resides in this State;

~~[(2)]~~ (II) Whose primary duties are to enforce the law; and

~~[(3)]~~ (III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(b) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

Sec. 15. NRS 250.150 is hereby amended to read as follows:

250.150 If a person or entity listed in NRS 250.140 requests confidentiality, the confidential information of that person or entity may only be disclosed as provided in NRS 239.0115, 250.087, 250.160 or 250.180 ~~or~~ as otherwise specifically authorized by law.

Sec. 15.5. NRS 250.220 is hereby amended to read as follows:

250.220 If a person discloses confidential information about a person or entity listed in NRS 250.140 in violation of NRS 250.100 to 250.180, inclusive, and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains ~~or~~ or to a person to whom the entity is providing shelter, as applicable, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 16. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156,

176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,

688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 6, 7, 8, 21, 22, 23, 33, 34 and 35 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 17. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 28, inclusive, of this act.

Sec. 18. *As used in sections 18 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 19 and 20 of this act have the meanings ascribed to them in those sections.*

Sec. 19. *"Confidential information" means personal information deemed confidential pursuant to section 21 of this act.*

Sec. 20. *"Personal information" means:*

1. *The home address of a person;*
2. *The home address of the spouse, domestic partner or minor child of a person; and*

3. ~~Any photograph of the home of a person;~~
~~4. Any photograph of the home of the spouse, domestic partner or minor child of a person; and~~
~~5.] Any telephone number or electronic mail address of a person,~~
 ➔ but does not include an assessor's parcel number.

Sec. 21. 1. Any person listed in section 22 of this act who wishes to have personal information about himself or herself that is contained in the records of the Secretary of State or a county or city clerk be kept confidential must obtain an order of a court that requires the Secretary of State or the county clerk or city clerk to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:

(a) States that the affiant qualifies as a person listed in section 22 of this act; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. Upon receipt of such an order, the Secretary of State or a county or city clerk shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

Sec. 22. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

1. Any justice or judge in this State.
2. Any senior justice or senior judge in this State.
3. Any court-appointed master ~~for judge pro tempore~~ in this State.
4. Any clerk of a court, court administrator ~~or~~ or court executive officer ~~clerk, deputy clerk or other employee of a court~~ in this State.
5. Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:
 - (a) Crimes that are punishable as category A felonies; or
 - (b) Domestic violence.
6. Any state or county public defender who as part of his or her normal job responsibilities defends persons for:
 - (a) Crimes that are punishable as category A felonies; or
 - (b) Domestic violence.
7. The spouse, domestic partner or minor child of a person described in subsections 1 to ~~4.]~~ 6, inclusive.
- ~~6.]~~ 8. The surviving spouse, domestic partner or minor child of a person described in subsections 1 to ~~4.]~~ 6, inclusive, who was killed in the performance of his or her duties.

Sec. 23. If a person listed in section 22 of this act requests confidentiality, the confidential information of that person may only be disclosed as provided

in NRS 239.0115 or section 24 of this act or as otherwise specifically authorized by law.

Sec. 24. 1. The Secretary of State or a county or city clerk may provide confidential information for use:

(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.

(c) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.

(d) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.

(f) In the bulk distribution of surveys, marketing material or solicitations, if the Secretary of State or the county or city clerk has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.

(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.

(h) By a title agent or title insurer acting pursuant to chapter 692A of NRS.

2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:

(a) Each person to whom the information is sold or disclosed; and

(b) The purpose for which that person will use the information.

Sec. 25. Except for a request from a governmental entity pursuant to paragraph (a) of subsection 1 of section 24 of this act or in response to an order of a federal or state court pursuant to paragraph (b) of subsection 1 of section 24 of this act, the Secretary of State or a county or city clerk may deny a request for confidential information if the Secretary of State or the county or city clerk reasonably believes that the information may be used in an unauthorized manner.

Sec. 26. 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to sections 18 to 25, inclusive, of this act; or

(b) Knowingly obtain or disclose information pursuant to sections 18 to 25, inclusive, of this act for any use not authorized pursuant to sections 18 to 25, inclusive, of this act.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 27. If a person discloses confidential information about a person listed in section 22 of this act in violation of sections 18 to 25, inclusive, of this act and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 28. In addition to any penalty imposed pursuant to section 26 or 27 of this act, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed \$2,500 for each act.

Sec. 29. Chapter 481 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 40, inclusive, of this act.

Sec. 30. ~~[As used in sections 30 to 40, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 31 and 32 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 31. ~~["Confidential information" means personal information deemed confidential pursuant to section 33 of this act.]~~ (Deleted by amendment.)

Sec. 32. ~~["Personal"]~~ As used in sections 32 to 40, inclusive, of this act, unless the context otherwise requires, "personal information" means:

1. The home address of a person; and
2. The home address of the spouse, domestic partner or minor child of a person. ~~;~~

~~3. Any photograph of the home of a person;~~

~~4. Any photograph of the home of the spouse, domestic partner or minor child of a person; and~~

~~5. Any telephone number or electronic mail address of a person;~~

~~but does not include an assessor's parcel number.]~~

Sec. 33. ~~[1. Any person listed in section 34 of this act who wishes to have personal information about himself or herself that is contained in the records of the Department be kept confidential must obtain an order of a court that requires the Department to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit~~

~~(a) States that the affiant qualifies as a person listed in section 34 of this act; and~~

~~(b) Sets forth sufficient justification for the request for confidentiality.~~

~~2. Upon receipt of such an order, the Department shall keep such information confidential and shall not~~

~~(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or~~

~~(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.~~ (Deleted by amendment.)

Sec. 34. 1. The following persons may request that ~~personal information contained in the records of~~ the Department ~~be kept confidential~~; display an alternate address on the person's driver's license, commercial driver's license or identification card:

~~1.~~ (a) Any justice or judge in this State.

~~2.~~ (b) Any senior justice or senior judge in this State.

~~3.~~ (c) Any court-appointed master ~~for judge pro tempore~~ in this State.

~~4.~~ (d) Any clerk of the court, court administrator, ~~or~~ or court executive officer, ~~clerk, deputy clerk or other employee of a court~~ in this State.

~~5.~~ (e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) The spouse, domestic partner or minor child of a person described in ~~subsections 1 to 4,~~ paragraphs (a) to (f), inclusive.

~~6.~~ (h) The surviving spouse, domestic partner or minor child of a person described in ~~subsections 1 to 4,~~ paragraphs (a) to (f), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

Sec. 35. If a person ~~listed in~~ requests pursuant to section 34 of this act ~~requests confidentiality~~, to have an alternate address displayed on the person's driver's license, commercial driver's license or identification card, the ~~confidential~~ personal information of that person may only be disclosed

as provided in NRS 239.0115 or ~~{section 36 of this act}~~ 481.063 or as otherwise specifically authorized by law.

Sec. 36. ~~{1. The Department may provide confidential information for use:~~

~~—(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.~~

~~—(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.~~

~~—(c) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.~~

~~—(d) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.~~

~~—(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.~~

~~—(f) In the bulk distribution of surveys, marketing material or solicitations, if the Department has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.~~

~~—(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.~~

~~—2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:~~

~~—(a) Each person to whom the information is sold or disclosed; and~~

~~—(b) The purpose for which that person will use the information.} (Deleted by amendment.)~~

Sec. 37. ~~{Except for a request from a governmental entity pursuant to paragraph (a) of subsection 1 of section 36 of this act or in response to an order of a federal or state court pursuant to paragraph (b) of subsection 1 of section 36 of this act, the Department may deny a request for confidential information if the Department reasonably believes that the information may be used in an unauthorized manner.} (Deleted by amendment.)~~

Sec. 38. 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to sections ~~{30}~~ 32 to ~~{37}~~ 35, inclusive, of this act; or

(b) Knowingly obtain or disclose information pursuant to sections ~~301~~ 32 to ~~371~~ 35, inclusive, of this act for any use not authorized pursuant to sections ~~301~~ 32 to ~~371~~ 35, inclusive, of this act.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 39. If a person discloses ~~confidential~~ personal information about a person listed in section 34 of this act in violation of sections ~~301~~ 32 to ~~371~~ 35, inclusive, of this act and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 40. In addition to any penalty imposed pursuant to section 38 or 39 of this act, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed \$2,500 for each act.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 310 to Senate Bill No. 79 adds the following to the list of certain persons and entities authorized to request that certain personal information contained in the records of a county assessor, county recorder, the Secretary of State or a county or city clerk remain confidential; a nonprofit entity that provides shelter to victims of domestic violence; any district attorney and certain employees and family members of district attorneys; any State or county public defender and certain family members of such public defenders; and any clerk of the court. Similarly, the amendment adds those individuals to the list of persons authorized to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 494.

SUMMARY—~~Requires~~ Authorizes ethnic and diversity studies in public high schools. (BDR 34-116)

AN ACT relating to education; requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for ethnic and diversity studies in high school; ~~requiring a pupil to pass a course~~ authorizing school districts and governing bodies of charter schools that operate as a high school to provide instruction in ethnic and diversity studies to ~~receive a~~ pupils in high school; ~~diploma; revising provisions governing the standards of content and performance for social studies;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study in public schools. (NRS 389.520) ~~Sections 1 and 6 of this~~

This bill ~~require~~ requires the Council to establish standards of content and performance for ethnic and diversity studies for pupils enrolled in high school.

~~[Existing law designates the core academic subjects that must be taught in all public schools and requires a pupil enrolled in a public high school to enroll in a minimum number of units of credit in certain subject areas. (NRS 389.019) Section 2 of this bill designates, for high schools, ethnic and diversity studies as a core academic subject and requires a high school pupil to enroll in at least one unit of credit.] This bill also authorizes the board of trustees of a school district or the governing body of a charter school that operates as a high school to provide instruction in ethnic and diversity studies [established in accordance] to pupils in high school and requires any such instruction to comply with the standards prescribed by the Council. [pursuant to section 1. Existing law requires a pupil enrolled in a public high school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children to pass a course in American government and American history to receive a certificate or diploma of graduation. (NRS 389.054, 389.057, 389.077) Section 3 of this bill adds the requirement that such a pupil pass a course in ethnic and diversity studies established in accordance with the standards of content and performance prescribed by the Council pursuant to section 1 to receive a certificate or diploma of graduation. Existing law requires the Council to include multicultural education in the standards of content and performance established for social studies. (NRS 389.520). Section 6 revises this requirement by specifying that the standards for social studies which include multicultural education apply to kindergarten and grades 1 to 8, inclusive.]~~

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[In establishing the]~~ *The Council shall establish standards of content and performance for ethnic and diversity studies for pupils enrolled in high school. [pursuant to NRS 389.520, the]* *The Council shall develop the standards in consultation with:*

(a) *Faculty of ethnic or diversity studies at colleges and universities in this State that have an ethnic or diversity studies program;*

(b) *Representatives of the school districts in this State, a majority of whom are teachers in kindergarten through grade 12 and who have experience or an educational background in the study and teaching of ethnic or diversity studies; and*

(c) *Other qualified persons who represent the diverse communities of this State and the United States.*

2. *The standards established pursuant to subsection 1 must:*

(a) *Examine the culture, history and contributions of diverse American communities, including, without limitation, African Americans, Hispanic Americans, Native Americans, Asian Americans, European*

Americans, Basque Americans and any other ethnic or diverse American communities the Council deems appropriate;

(b) Emphasize human relations, sensitivity towards all races and diverse populations and work-related cultural competency skills;

(c) Be written in a manner that allows a school district or charter school to modify the content to reflect and support the demographics of pupils in the community, as long as the prescribed standard is met; and

(d) Comply with any applicable admissions requirements for colleges and universities in this State.

3. The board of trustees of a school district and the governing body of a charter school that operates as a high school may provide instruction in ethnic and diversity studies to pupils enrolled in high school within the school district or in the charter school, as applicable. If provided, the instruction must comply with the standards of content and performance established by the Council pursuant to this section.

4. The State Board shall adopt such regulations as necessary to carry out the provisions of this section.

Sec. 2. ~~[NRS 389.018 is hereby amended to read as follows:~~

~~389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:~~

- ~~(a) English language arts;~~
- ~~(b) Mathematics;~~
- ~~(c) Science; [and]~~
- ~~(d) Social studies, which includes only the subjects of history, geography, economics and government [.] ; and~~
- ~~(e) For high schools, ethnic and diversity studies.~~

~~2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:~~

- ~~(a) Four units of credit in English language arts;~~
- ~~(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;~~
- ~~(c) Three units of credit in science, including two laboratory courses; [and]~~
- ~~(d) Three units of credit in social studies, including, without limitation:~~
 - ~~(1) American government;~~
 - ~~(2) American history; and~~
 - ~~(3) World history or geography [.] ; and~~

~~(e) One unit of credit in ethnic and diversity studies pursuant to section 1 of this act.~~

~~** A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled~~

~~mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.~~

~~3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:~~

~~(a) The arts;~~

~~(b) Computer education and technology;~~

~~(c) Health; and~~

~~(d) Physical education.~~

~~If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection. (Deleted by amendment.)~~

Sec. 3. ~~[NRS 389.077 is hereby amended to read as follows:~~

~~389.077 1. Except as otherwise provided in subsections 2 and 3, no pupil in any public high school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS may receive a certificate or diploma of graduation without having passed a course in American government and American history as required by NRS 389.054 and 389.057 [.] , and a course in ethnic and diversity studies established in accordance with the standards of content and performance prescribed pursuant to section 1 of this act.~~

~~2. A pupil who is enrolled in a university school for profoundly gifted pupils who meets the requirements of NRS 388C.120 is exempt from the provisions of subsection 1.~~

~~3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 1 if, in accordance with the provisions of NRS 388F.010, the pupil:~~

~~(a) Successfully completed a comparable course in the school in which the pupil was previously enrolled; or~~

~~(b) Successfully completes an alternative means prescribed by the school district for acquiring the required course work. (Deleted by amendment.)~~

Sec. 3.5. NRS 389.003 is hereby amended to read as follows:

389.003 Except as otherwise provided in NRS 389.041, boards of trustees of school districts in this State shall enforce in schools:

1. The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and the courses of study related to those standards; and

2. The courses of study prescribed and adopted by the State Board.

Sec. 4. NRS 389.500 is hereby amended to read as follows:

389.500 As used in NRS 389.500 to 389.540, inclusive, *and section 1 of this act*, "Council" means the Council to Establish Academic Standards for Public Schools.

Sec. 5. NRS 389.505 is hereby amended to read as follows:

389.505 The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Council set forth in NRS 389.500 to 389.540, inclusive, *and section 1 of this act and NRS 390.105 and 390.115* are carried out by the Council successfully.

Sec. 6. ~~NRS 389.520 is hereby amended to read as follows:~~

~~389.520 1. The Council shall:~~

~~(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in [subsection] subsections 3 and 4, based upon the content of each course, that is expected of pupils for the following courses of study:~~

~~(1) English language arts;~~

~~(2) Mathematics;~~

~~(3) Science;~~

~~(4) Social studies, which includes only the subjects of history, geography, economics and government;~~

~~(5) The arts;~~

~~(6) Computer education and technology;~~

~~(7) Health;~~

~~(8) Physical education ; [; and]~~

~~(9) A foreign or world language [.] ; and~~

~~(10) Ethnic and diversity studies pursuant to section 1 of this act.~~

~~(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.~~

~~(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.~~

~~2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:~~

~~(a) The ethical use of computers and other electronic devices, including, without limitation:~~

~~(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and~~

~~(2) Methods to ensure the prevention of:~~

~~(I) Cyber bullying;~~

~~(II) Plagiarism; and~~

~~(III) The theft of information or data in an electronic form;~~

~~—(b) The safe use of computers and other electronic devices, including, without limitation, methods to:~~

~~—(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;~~

~~—(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and~~

~~—(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;~~

~~—(c) The secure use of computers and other electronic devices, including, without limitation:~~

~~—(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;~~

~~—(2) The necessity for secure passwords or other unique identifiers;~~

~~—(3) The effects of a computer contaminant;~~

~~—(4) Methods to identify unsolicited commercial material; and~~

~~—(5) The dangers associated with social networking Internet sites; and~~

~~—(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.~~

~~—3. The standards of content and performance for social studies must include multicultural education [,] for each grade level in kindergarten and grades 1 to 8, inclusive, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.~~

~~—4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.~~

~~—5. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:~~

~~—(a) Adopt the standards for each course of study, as submitted by the Council; or~~

~~—(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.~~

~~—6. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:~~

~~—(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and~~

~~(b) Return the standards or the revised standards, as applicable, to the State Board.~~

~~→ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.~~

~~7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.~~

~~8. As used in this section:~~

~~(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.~~

~~(b) "Cyber bullying" has the meaning ascribed to it in NRS 388.123.~~

~~(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.~~ (Deleted by amendment.)

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2018, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 494 to Senate Bill No. 107 makes the course optional for school districts and for students.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 497.

SUMMARY—Revises provisions relating to bullying and cyber-bullying. (BDR 34-753)

AN ACT relating to education; applying the prohibition on bullying and cyber-bullying to all the schools in this State; providing that certain requirements relating to reported incidents of bullying or cyber-bullying do not apply to pupils in prekindergarten, certain employees of a school or school district and certain adults; authorizing an administrator of a school to defer an investigation relating to bullying or cyber-bullying in certain circumstances; requiring certain training concerning the needs of persons with diverse gender identities or expressions; requiring all schools to establish a school safety team; requiring certain employees at all schools to report incidents of bullying or cyber-bullying and take certain action upon receiving such a report; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment and prohibits bullying and cyber-bullying. (NRS 388.133)

Existing law also requires the board of trustees of each school district to adopt the policy prescribed by the Department and provide for the training of members of the board of trustees and certain other personnel employed by the board of trustees in accordance with such policies. (NRS 388.134) This bill applies the prohibition on bullying and cyber-bullying to all schools in this State, including, without limitation, public schools, charter schools, and private schools.

Sections 9 and 12 of this bill require the policy prescribed by the Department for schools in this State to provide a safe and respectful learning environment to include training concerning the needs of persons with diverse gender identities or expressions.

Section 10 of this bill requires all public schools, including charter schools, and all private schools in this State to adopt the policy prescribed by the Department and provide for the training of certain persons who are responsible for the operation of the school and certain employees.

Existing law requires the principal of each public school to establish a school safety team to develop and maintain a school environment which is free from bullying and cyber-bullying. (NRS 388.1343) Section 13 of this bill requires all public schools, including charter schools, and private schools in this State to establish such a team.

Existing law requires certain employees at a school who witness bullying or cyber-bullying or receive information about an incident of bullying or cyber-bullying to report the violation to a principal. Existing law requires a principal who receives such a report to take certain action, and provides that a principal who fails to take the required action is subject to disciplinary action. (NRS 388.1351, 388.1354) Sections 16 and 18 of this bill apply these provisions to all public schools, including charter schools, and private schools in this State.

Existing law prohibits a member of the board of trustees of a school district and any employee of the board of trustees from engaging in bullying or cyber-bullying on the premises of any public school, at an activity sponsored by a public school or on any school bus and requires a principal or his or her designee who receives a report of bullying or cyber-bullying to: (1) conduct an investigation into the report; (2) complete the investigation within a prescribed period of time; and (3) take certain other action relating to the reported incident. (NRS 388.135, 388.1351) Section 16 of this bill provides a principal or designee with 1 additional school day to complete the investigation if extenuating circumstances prevent him or her from completing the investigation within the prescribed period of time. Section 4.5 of this bill provides that these requirements are not applicable to a report of bullying or cyber-bullying by: (1) a pupil who is enrolled in prekindergarten under certain circumstances; (2) an employee of a school or school district against another employee of a school or school district; or (3) an adult who is not a pupil or employee of a school or school district against another such adult.

Section 4.5 authorizes the administrator or his or her designee to defer an investigation of an alleged incident of bullying or cyber-bullying if a law enforcement agency is investigating the potential crime. If such an investigation is deferred, section 4.5 requires the administrator or his or her designee to: (1) develop a plan to protect the safety of each pupil involved in the reported incident; and (2) provide the parents or guardians of each pupil involved in the reported incident with any information available regarding the projected date for completion of the investigation by the law enforcement agency.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3 and 4~~ to 4.5, inclusive, of this act.

Sec. 2. "Administrator" means the principal, administrator or other person in charge of a school.

Sec. 3. "Governing body" means the board of trustees of a school district, the governing body of a charter school or, in the case of a private school, any person or group of persons who are responsible for the operation of the private school.

Sec. 4. "School" means a public school, including, without limitation, a charter school, and a private school as defined in NRS 394.103.

Sec. 4.5. 1. If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or his or her designee may, after providing the notification required by paragraph (a) of subsection 3 of NRS 388.1351, defer the investigation required by that section until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation pursuant to this subsection, the administrator or designee shall:

(a) Immediately develop a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388.135; and

(b) To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each pupil directly involved in the alleged violation of NRS 388.135 with that information.

2. Except as otherwise provided in this section, the deferral authorized by subsection 1 does not affect the obligations of the administrator or designee pursuant to NRS 388.121 to 388.1395, inclusive, and sections 2 to 4.5, inclusive, of this act.

3. If the administrator or designee determines that a violation of NRS 388.135 was caused by the disability of the pupil who committed the violation:

(a) The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil's individualized education program; and

(b) The administrator or designee shall take any measures necessary to protect the safety of the victim of the violation.

4. The provisions of NRS 388.1351 do not apply to a violation of NRS 388.135 committed by:

(a) A pupil who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the pupil.

(b) An employee of a school or school district against another employee of a school or school district.

(c) An adult who is not a pupil or employee of a school or school district against another such adult.

Sec. 5. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ~~and sections 2, 3 and 4~~ to 4.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 388.122, 388.123 and 388.124 ~~and sections 2, 3 and 4 of this act~~ have the meanings ascribed to them in those sections.

Sec. 6. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;
 2. A learning environment that is safe and respectful is essential for the pupils enrolled in the ~~public~~ schools in this State and is necessary for those pupils to achieve academic success and meet this State's high academic standards;

3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a ~~public~~ school in this State must be maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying will be tolerated within the system of public education ~~or at a private school~~ in this State;

4. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

6. It will ensure that:

(a) The ~~public~~ schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;

(b) All administrators, ~~principals,~~ teachers and other personnel of the school districts and ~~public~~ schools in this State demonstrate appropriate and professional behavior on the premises of any ~~public~~ school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate bullying and cyber-bullying, and by taking immediate

action to protect a victim or target of bullying or cyber-bullying when witnessing, overhearing or being notified that bullying or cyber-bullying is occurring or has occurred;

(c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, ~~{principals,}~~ teachers, coaches or other personnel of a school district ~~{;} or school;~~

(d) All persons in ~~{public schools}~~ *a school* are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, ~~{principal,}~~ coach or other staff member or pupil who tolerates or engages in an act of bullying or cyber-bullying or violates a provision of NRS 388.121 to 388.1395, inclusive, *and sections 2 ~~f, 3 and 4~~ to 4.5, inclusive, of this act* regarding a response to bullying or cyber-bullying *against a pupil* will be held accountable; and

7. By declaring this mandate that the ~~{public}~~ schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while ~~{in the care of the State}~~ *at school* and that pupils be provided with an environment that allows them to learn.

Sec. 7. NRS 388.1321 is hereby amended to read as follows:

388.1321 1. The Legislature hereby declares that the members of a ~~{board of trustees}~~ *governing body* and all administrators and teachers ~~{of a school district}~~ have a duty to create and provide a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying.

2. A parent or guardian of a pupil ~~{of the public school system of this State}~~ may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provisions of NRS 388.121 to 388.1395, inclusive ~~{,}~~ *, and sections 2 ~~f, 3 and 4~~ to 4.5, inclusive, of this act.*

3. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil ~~{of the public school system of this State}~~ from seeking any remedy available at law or in equity.

Sec. 8. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, *and sections 2 ~~f, 3 and 4~~ to 4.5, inclusive, of this act* and obtain information about anti-bullying efforts and organizations; and

(b) Provides outreach and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, ~~{principals,}~~ coaches and other

staff members and the members of a ~~{board of trustees of a school district,}~~ *governing body*. The outreach and training must include, without limitation:

- (1) Training regarding methods, procedures and practice for recognizing bullying and cyber-bullying behaviors;
- (2) Training regarding effective intervention and remediation strategies regarding bullying and cyber-bullying;
- (3) Training regarding methods for reporting violations of NRS 388.135; and
- (4) Information on and referral to available resources regarding suicide prevention and the relationship between bullying or cyber-bullying and suicide.

4. The Director of the Office shall establish procedures by which the Office may receive reports of bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive ~~{,}~~, and sections 2 ~~f, 3 and 4~~ to 4.5, inclusive, of this act.

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, ~~{principal,}~~ coach or other staff member or member of a ~~{board of trustees of a school district,}~~ *governing body* has violated a provision of NRS 388.121 to 388.1395, inclusive ~~{,}~~, and sections 2 ~~f, 3 and 4~~ to 4.5, inclusive, of this act. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

Sec. 8.5. NRS 388.1327 is hereby amended to read as follows:

388.1327 The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the ~~{State Board,}~~ *Department* for a grant of money from the Bullying Prevention Account pursuant to NRS 388.1325.

2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive ~~{,}~~, and sections 2 to 4.5, inclusive, of this act.

Sec. 9. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the ~~{boards of trustees of school districts,}~~ *governing bodies*, educational personnel, local associations and organizations of parents whose children are enrolled in ~~{public}~~ schools throughout this State, and individual parents and legal guardians whose children are enrolled in ~~{public}~~ schools throughout this State, prescribe by regulation a policy for all school districts and ~~{public}~~ schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, ~~{principals,}~~ coaches and other personnel of a school district ~~{,}~~ *or school; ~~{and}~~*

(b) *Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and*

(c) A policy for use by school districts and schools to train members of the ~~{board of trustees}~~ governing body and all administrators, ~~{principals,}~~ teachers and all other personnel employed by the ~~{board of trustees of a school district,}~~ governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) *Training concerning the needs of persons with diverse gender identities or expressions;*

(4) Methods to promote a positive learning environment;

~~{{4}}~~ (5) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~{{5}}~~ (6) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 10. NRS 388.134 is hereby amended to read as follows:

388.134 ~~{The board of trustees of each school district}~~ *Each governing body shall:*

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The ~~{board of trustees}~~ governing body may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of members of the ~~{board of trustees}~~ governing body and all administrators, ~~{principals,}~~ teachers and all other personnel employed by the ~~{board of trustees}~~ governing body in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the ~~{board of trustees}~~ governing body who have not previously ~~{been elected or appointed to the board of trustees}~~ served on the governing body or for employees of the school district or school who have not previously been employed by the district ~~{,}~~ or school, the training required by this subsection must be provided within 180 days after the member begins his or her ~~{term of office}~~ service or after the employee begins his or her employment, as applicable.

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district ~~{,}~~ or school.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district or school have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district ~~{,}~~ or school. Upon the request of a parent or legal guardian, the

school district *or school* shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the ~~board of trustees of a school district~~ *governing body* updates the policies, the ~~board of trustees~~ *governing body* must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 11. NRS 388.1341 is hereby amended to read as follows:

388.1341 1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in ~~the public~~ schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive ~~[-]~~ , and sections 2, ~~3 and 4~~ *to 4.5, inclusive, of this act*;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by ~~the board of trustees of the school district~~ *a governing body*.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 12. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.

(b) Establish a program of training on methods to prevent, identify and report incidents of bullying and cyber-bullying for *the members of [the boards of trustees of school districts.] a governing body.*

(c) Establish a program of training for school district and ~~[charter]~~ school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive ~~[,]~~ , *and sections 2, ~~3 and 4~~ to 4.5, inclusive, of this act.*

(d) Establish a program of training for administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.

(e) *Establish a program of training for school district and school personnel concerning the needs of persons with diverse gender identities or expressions.*

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a ~~board of trustees of a school district]~~ *governing body* shall, within 1 year after the member ~~[is elected or appointed to the board of trustees,]~~ *begins his or her service on the governing body*, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the ~~board of trustees.] governing body.~~

4. Each administrator of a ~~[public]~~ school shall complete the program of training established pursuant to ~~[paragraph]~~ *paragraphs (d) and (e) of subsection 1:*

(a) Within 90 days after becoming an administrator;

(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and

(c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The ~~board of trustees of a school district]~~ *governing body* may allow school ~~[district]~~ personnel to attend the program established pursuant to paragraph (c) , ~~for~~ (d) or (e) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

Sec. 13. NRS 388.1343 is hereby amended to read as follows:

388.1343 The ~~[principal]~~ administrator of each ~~[public]~~ school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the ~~{board of trustees of the school district}~~ *governing body* and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 14. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the ~~{principal}~~ *administrator of the school* or his or her designee and the following persons appointed by the ~~{principal}~~ *administrator*:

(a) A school counselor;

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; and

(d) Any other persons appointed by the ~~{principal}~~ *administrator*.

2. The ~~{principal}~~ *administrator of the school* or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying or cyber-bullying;

(c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and

(e) To the extent money is available, participate in any training conducted by the school district *or school* regarding bullying and cyber-bullying.

Sec. 15. NRS 388.135 is hereby amended to read as follows:

388.135 A member of ~~{the board of trustees of a school district}~~ *a governing body*, any employee of ~~{the board of trustees}~~ *a governing body*, including, without limitation, an administrator, ~~{principal}~~ teacher or other staff member, a member of a club or organization which uses the facilities of any ~~{public}~~ school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any ~~{public}~~ school, at an activity sponsored by a ~~{public}~~ school or on any school bus.

Sec. 16. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. ~~{A}~~ Except as otherwise provided in section 4.5 of this act, *a* teacher, administrator, ~~{principal}~~ coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the ~~{principal}~~ *administrator* or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, ~~{principal}~~

coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. ~~Upon~~ Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the ~~principal~~ administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation required by subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection ~~3~~ 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided not later than:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, 6 p.m. on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, 6 p.m. on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

~~3~~ 4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection ~~2~~ 3.

~~4~~ 5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the ~~principal~~ administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this subsection within 2 school days after making a good faith effort, ~~because any of the persons to be interviewed is not available,~~ 1 additional school day may be used to complete the investigation.

~~5. — A principal~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or

other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the ~~{board of trustees of the school district,}~~ *governing body*. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection ~~{2}~~ 3 as part of the investigation.

~~{6}~~ 6. *If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.*

7. Not later than 10 school days after receiving a report required by subsection 1, the ~~{principal}~~ *administrator* or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

~~{7}~~ 8. To the extent that information is available, the ~~{principal}~~ *administrator* or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost ~~{,}~~ and may be provided in person or by electronic or regular mail. If such a list is provided, the ~~{principal,}~~ *administrator*, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

~~{8}~~ 9. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the ~~{principal}~~ *administrator* or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the ~~{board of trustees of the school district,}~~ *governing body*. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

10. *School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.*

Sec. 17. NRS 388.1352 is hereby amended to read as follows:

388.1352 ~~{The board of trustees of each school district,}~~ *A governing body*, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district ~~{,}~~ *or school*, shall establish a policy for the procedures which must be followed by an employee of the school district *or school* when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

Sec. 18. NRS 388.1354 is hereby amended to read as follows:

388.1354 If an administrator ~~[, principal] or [the]~~ *his or her* designee ~~[of an administrator or principal of a school]~~ knowingly and willfully fails to comply with the provisions of NRS 388.1351, the superintendent of the school district ~~[,] or governing body, as applicable [,], or the designee of either:~~

1. Shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy; and

2. If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the ~~board of trustees of the school district]~~ *governing body* that the ~~board]~~ *governing body* submit a recommendation to the State Board for the suspension or revocation of the license.

Sec. 19. NRS 388.136 is hereby amended to read as follows:

1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135.

2. As used in this section, "school official" means:

(a) A member of ~~[the board of trustees of a school district;]~~ *a governing body;* or

(b) A licensed or unlicensed employee of a school district ~~[,] or school.~~

Sec. 20. NRS 388.137 is hereby amended to read as follows:

388.137 1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. If ~~[a principal]~~ *an administrator* determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the ~~[principal]~~ *administrator* may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the ~~board of trustees of the school district.] governing body.~~

Sec. 21. NRS 388.1395 is hereby amended to read as follows:

388.1395 The ~~board of trustees of each school district and the]~~ governing body of each ~~charter]~~ school shall determine the most effective manner for the delivery of information to the pupils of ~~[each public]~~ *the* school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of bullying and cyber-bullying;

2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

Sec. 22. NRS 394.130 is hereby amended to read as follows:

394.130 1. In order to secure uniform and standard work for pupils in

private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the Board or under courses of study prepared by such private schools and approved by the Board.

2. A course of study in health provided at a private secondary school must include, to the extent money is available for this purpose and for the grade levels determined by the private school, instruction in:

(a) The administration of hands-only or compression-only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association; and

(b) The use of an automated external defibrillator.

3. If a course of study in health in a private secondary school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation.

(b) The private school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

4. Such private schools shall ~~be required to furnish~~ :

(a) *Furnish* from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools ~~to~~ ; and

(b) *Comply with the provisions of NRS 388.121 to 388.1395, inclusive, and sections 2, ~~3 and 4~~ to 4.5, inclusive, of this act.*

5. Nothing in this section shall be so construed as:

(a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.

(b) To give such private schools any right to share in the public school funds apportioned for the support of the public schools of this State.

Sec. 23. NRS 236.073 is hereby amended to read as follows:

236.073 1. The Governor shall annually proclaim the first week in October to be "Week of Respect."

2. The proclamation may call upon:

(a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying and cyber-bullying, including, without limitation:

(1) Statistical information regarding the number of pupils who are bullied or cyber-bullied each year;

(2) The methods to identify and assist pupils who are at risk of bullying or cyber-bullying; and

(3) The methods to prevent bullying and cyber-bullying; and

(b) ~~{School districts}~~ *Governing bodies* to provide instruction on the ways in which pupils can prevent bullying and cyber-bullying during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) *"Governing body" has the meaning ascribed to it in section 3 of this act.*

Sec. 24. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 497 to Senate Bill No. 225 allows a school administrator to defer an investigation if a law-enforcement agency is undertaking a criminal investigation; provides alternative measures when a bullying violation is caused by the disability of the student who committed the violation; clarifies certain circumstances in which the bullying statute does not apply; requires Statewide policy to account for the needs of persons with diverse gender identities or expressions; provides additional time for a school administrator to investigate an incident; provides for an unfounded allegation to be excluded from a student's record, and provides other technical changes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 309.

SUMMARY—Revises provisions relating to historic preservation.
(BDR 33-515)

AN ACT relating to historic preservation; providing notice and consultation with Indian tribes with regard to native Indian human remains and other cultural items under certain circumstances; requiring the Museum Director of the Nevada State Museum and the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations concerning the process for repatriation of such human remains and other cultural items; revising the membership of certain related boards and commissions; increasing the penalties for the defacement of prehistoric sites, historic sites and Indian burial sites; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the preservation of historic sites and prehistoric

sites. Pursuant to these provisions a permit is generally required to investigate, explore or excavate a historic site or prehistoric site on federal or state lands or to remove any object from such a site. (NRS 381.197) For the purposes of these provisions, existing law provides that a "historic site": (1) dates from the middle of the 18th century until 50 years before the current year; and (2) is a site, landmark or monument of historical significance that pertains to the history of the settlement of Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and burials. Existing law further provides that a "prehistoric site": (1) dates from before the middle of the 18th century; and (2) is any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe. (NRS 381.195)

Section 6 of this bill prohibits, with limited exceptions, a person from knowingly investigating, exploring or excavating a [historic or] prehistoric site on private lands located in this State unless the person first obtains a permit from the Museum Director of the Nevada State Museum. Section 6 requires the Museum Director to adopt regulations governing the procedures for obtaining such a permit.

Sections 5 and 26 of this bill require both the Museum Director of the Nevada State Museum and the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations that set forth the process for repatriation of native Indian human remains and other cultural items falling within the purview of each state agency.

Sections 10, 16 and 22 of this bill require native Indian human remains or other cultural items to be returned to the closest culturally affiliated Indian tribe in accordance with the repatriation process if the human remains or other cultural items were: (1) deemed abandoned by the institution that held the property; (2) found or discovered pursuant to a permit to investigate, explore or excavate historic or prehistoric sites; or (3) seized by law enforcement officers as taken or collected on historic or prehistoric sites without a permit.

Sections 15, 17-19 and 22 of this bill require the Museum Director to provide notice and consultation with the applicable Indian tribes throughout the permitting process with regard to a permit to investigate, explore or excavate historic or prehistoric sites, including, without limitation, before: (1) granting a permit; (2) renewing a permit; and (3) placing a limitation on the period or location for which the permit is issued.

~~[Existing law authorizes an Indian tribe or an enrolled member of an Indian tribe to bring a civil action for an injunction, damages suffered and, under certain circumstances, attorney's fees for a violation of certain provisions governing the protection of Indian burial sites. (NRS 383.190) Section 25 of this bill expands the violations for which such a civil action can be brought to include violations of provisions governing the preservation and protection of historic and prehistoric sites.]~~

Section 29 of this bill requires the Administrator of the Office to include the process of repatriation of native Indian cultural items in the comprehensive statewide historic preservation plan which the Administrator is required to prepare pursuant to existing law.

Section 33 of this bill revises the procedure that is required to take place upon the discovery of an Indian burial site on private or public land.

Sections 34 and 37 of this bill increase the penalties for: (1) the willful defacement of a native Indian cairn or grave to \$2,000 for the first offense and \$4,500 for the second or subsequent offense; and (2) the knowing and willful defacement of a historic or prehistoric site or the trafficking of cultural property obtained from state land without a permit to \$1,000 for a first offense and \$3,500 for a second or subsequent offense.

Sections 8 and 38 of this bill expand the membership of both the Board of Museums and History and the Commission for Cultural Centers and Historic Preservation to include a member on the Board and on the Commission who is an enrolled member of a Nevada Indian tribe.

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

Section 1. Chapter 381 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *In providing notice and consultation with Indian tribes as required by this chapter, the museum director of an institution shall immediately notify, in writing, and initiate consultation with any Indian tribe:*

(a) *Who is or is likely to be culturally affiliated with the applicable cultural item or site;*

(b) *On whose aboriginal lands the applicable cultural item was discovered or the site was located; and*

(c) *Who is reasonably known to have a direct cultural relationship to the applicable cultural item or site.*

2. *The written notice must include a proposed time and place for the consultation with the museum director.*

Sec. 3. *The museum director of an institution shall use the criteria for determining cultural affiliation set forth in 43 C.F.R. § 10.14 to determine which Indian tribe has the closest cultural affiliation, if any, with regard to a particular cultural item or site.*

Sec. 4. *To be deemed an object of cultural significance, an object must have ongoing historical, traditional or cultural importance central to an Indian tribe or culture itself, rather than property owned by a member of an Indian tribe, and which, therefore, cannot be alienated, appropriated or conveyed by any person, regardless of whether the person is a member of the Indian tribe. The object must have been considered inalienable by the Indian tribe at the time the object was separated from such group.*

Sec. 5. 1. *The Museum Director of the Nevada State Museum shall adopt regulations as necessary to carry out the provisions of sections 2 to 5, inclusive, of this act and NRS 381.195 to 381.227, inclusive, and section 6 of*

this act, including, without limitation, regulations which set forth the process for repatriation of native Indian human remains and other cultural items.

2. Any regulations adopted pursuant to this section must be developed in consultation with Indian tribes and incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the Museum Director.

Sec. 6. 1. ~~{4.}~~ Except as otherwise provided in subsection 2, a person shall not knowingly investigate, explore or excavate a ~~(historic or)~~ prehistoric site on private lands located within this State unless the person first obtains a permit issued by the Museum Director.

2. A person who is engaging in a lawful activity on private lands, including, without limitation, construction, mining, logging or farming is not required to obtain a permit pursuant to subsection 1 to engage in that lawful activity.

3. The Museum Director shall adopt regulations governing a permit issued pursuant to subsection 1. The regulations must, without limitation:

(a) Set forth the process for obtaining a permit required pursuant to subsection 1;

(b) Set forth the qualifications of an applicant for such a permit;

(c) Provide notice to and consult with the applicable Indian tribes throughout the permitting process in the manner provided by section 2 of this act;

(d) Provide for the enforcement of the provisions of this section, including, without limitation, the examination of the permit of a person claiming privileges pursuant to this section; and

(e) Fully protect the constitutional rights of property owners.

~~{2.}~~ 4. Any regulations adopted pursuant to this section must be developed in consultation with Indian tribes and incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the Museum Director.

Sec. 7. NRS 381.001 is hereby amended to read as follows:

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

1. "Administrator" means the Administrator of the Division.

2. "Board" means the Board of Museums and History.

3. "Cultural affiliation" or "culturally affiliated" means that there is a relationship of shared group identity that may be reasonably traced historically or prehistorically between a present-day Indian tribe and an identifiable earlier group which is associated with a particular object or site.

4. "Cultural item" means human remains, a funerary object, a sacred object or an object of cultural significance.

5. "Department" means the Department of Tourism and Cultural Affairs.

~~{4.}~~ 6. "Director" means the Director of the Department.

~~{5.}~~ 7. "Division" means the Division of Museums and History of the Department.

~~{6.}~~ 8. "Funerary object" means an object that, as a part of the death rite or ceremony of a culture, is reasonably believed to have been placed with individual human remains either at the time of death or later.

9. "Historic structures, buildings and other property of the Nevada State Prison" means the structures, buildings and other property described in paragraph (b) of subsection 1 of NRS 321.004.

~~{7.}~~ 10. "Indian tribe" has the meaning ascribed to it in NRS 383.011.

11. "Institution" means an institution of the Division established pursuant to NRS 381.004.

~~{8.}~~ 12. "Museum director" means the executive director of an institution of the Division appointed by the Administrator pursuant to NRS 381.0062.

13. "Object of cultural significance" means an object which meets the qualifications of section 4 of this act.

14. "Sacred object" means a historic or prehistoric object that was or is needed by traditional religious leaders of an Indian tribe ~~for~~ for the practice of the traditional religion of an Indian tribe.

Sec. 8. NRS 381.002 is hereby amended to read as follows:

381.002 1. The Board of Museums and History ~~[, consisting of eleven members]~~ is hereby created.

2. The Board consists of 12 members appointed ~~by the Governor, is hereby created.~~

~~—2.] as follows:~~

(a) The Governor shall appoint to the Board:

~~{(a)}~~ (1) Five representatives of the general public who are knowledgeable about museums.

~~{(b)}~~ (2) Six members representing the fields of history, prehistoric archeology, historical archeology, architectural history, and architecture with qualifications as defined by the Secretary of Interior's standards for historic preservation in the following fields:

~~{(1)}~~ (I) One member who is qualified in history;

~~{(2)}~~ (II) One member who is qualified in prehistoric archeology;

~~{(3)}~~ (III) One member who is qualified in historic archeology;

~~{(4)}~~ (IV) One member who is qualified in architectural history;

~~{(5)}~~ (V) One member who is qualified as an architect; and

~~{(6)}~~ (VI) One additional member who is qualified, as defined by the Secretary of Interior's standards for historic preservation, in any of the fields of expertise described in ~~[subparagraphs (1) to (5),]~~ sub-subparagraphs (I) to (V), inclusive.

(b) The Nevada Indian Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization, shall appoint to the Board one member who is an enrolled member of a Nevada Indian tribe.

3. The Board shall elect a Chair and a Vice Chair from among its members at its first meeting of every even-numbered year. The terms of the Chair and Vice Chair are 2 years or until their successors are elected.

4. With respect to the functions of the Office of Historic Preservation, the Board may develop, review and approve policy for:

- (a) Matters relating to the State Historic Preservation Plan;
- (b) Nominations to the National Register of Historic Places and make a determination of eligibility for listing on the Register for each property nominated; and
- (c) Nominations to the State Register of Historic Places and make determination of eligibility for listing on the Register for each property nominated.

5. With respect to the functions of the Division, the Board shall develop, review and make policy for investments, budgets, expenditures and general control of the Division's private and endowed dedicated trust funds pursuant to NRS 381.003 to 381.0037, inclusive.

6. In all other matters pertaining to the Office of Historic Preservation and the Division of Museums and History, the Board serves in an advisory capacity.

7. The Board may adopt such regulations as it deems necessary to carry out its powers and duties.

Sec. 9. NRS 381.008 is hereby amended to read as follows:

381.008 ~~[When]~~

1. *Except as otherwise provided in subsection 2, when not in conflict with any condition or restraint placed on a gift and with the approval of the Board, the museum director of each institution may sell duplicates, surplus and items inappropriate to the collection of the institution. The proceeds of the sale must be held in trust and may be expended only as approved by the Board for the purchase of photographs, memorabilia and other historical articles, and collections related to history, prehistory or natural history to enrich the collections of the Division.*

2. *Before the museum director of an institution sells or otherwise disposes of any native Indian cultural item pursuant to this section, the museum director shall provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act.*

3. *The museum director shall determine which Indian tribe has the closest cultural affiliation to the cultural item in accordance with section 3 of this act and shall give an opportunity to the Indian tribe in Nevada, if any, with the closest cultural affiliation to:*

- (a) *Acquire the cultural item identified for sale or disposal; or*
- (b) *Approve of the sale or disposal by the museum director of the cultural item, if the Indian tribe does not acquire the cultural item.*

Sec. 10. NRS 381.009 is hereby amended to read as follows:

381.009 1. Any property held by an institution for 3 years or more, to which no person has made claim, shall be deemed to be abandoned and , *except as otherwise provided in subsection 4*, becomes the property of the Division if the Administrator complies with the provisions of subsection 2.

2. The Administrator shall cause to be published in at least one newspaper of general circulation in the county in which the institution is located at least once a week for 2 consecutive weeks a notice and listing of the property. The notice must contain:

(a) The name and last known address, if any, of the last known owner of the property;

(b) A description of the property; and

(c) A statement that if proof of a claim is not presented by the owner to the institution and if the owner's right to receive the property is not established to the Administrator's satisfaction within 60 days after the date of the second published notice, the property will be considered abandoned and become the property of the Division.

3. If no claim has been made to the property within 60 days after the date of the second published notice, title, including literary rights, to the property vests in the Division, free from all claims of the owner and of all persons claiming through or under the owner.

4. *If property deemed to be abandoned pursuant to subsection 1 is native Indian human remains or another cultural item, the Administrator shall:*

(a) *Provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act;*

(b) *Determine which Indian tribe has the closest cultural affiliation to the human remains or other cultural item, in accordance with section 3 of this act; and*

(c) *Return the human remains or other cultural item to the closest culturally affiliated Indian tribe in accordance with the repatriation process adopted pursuant to section 5 of this act, if a request for repatriation is made.*

Sec. 11. NRS 381.195 is hereby amended to read as follows:

381.195 As used in NRS 381.195 to 381.227, inclusive ~~[]~~, and section 6 of this act:

1. "Historic" means from the middle of the 18th century until 50 years before the current year.

2. "Historic site" means a site, landmark or monument of historical significance pertaining to the history of the settlement of Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and burials.

3. "Museum Director" means the Museum Director of the Nevada State Museum.

4. "Prehistoric" means before the middle of the 18th century.

5. "Prehistoric site" means any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

Sec. 12. NRS 381.197 is hereby amended to read as follows:

381.197 Except for action taken under an agreement with the Office of Historic Preservation of the State Department of Conservation and Natural Resources pursuant to NRS 383.430, and except as otherwise provided in this

section, a person shall not investigate, explore or excavate an historic or prehistoric site on federal or state lands or remove any object therefrom unless the person is the holder of a valid and current permit issued pursuant to the provisions of NRS 381.195 to 381.227, inclusive ~~[-]~~, *and section 6 of this act*. Conduct that would otherwise constitute a violation of this section is not a violation of this section if it is also a violation of NRS 383.435.

Sec. 13. ~~[NRS 381.199 is hereby amended to read as follows:~~

~~381.199 1. An applicant is required to secure, from the Museum Director, or an agent designated by the Museum Director, a permit for the investigation, exploration or excavation of a historic or prehistoric site on any state or federal lands within the boundaries of the State of Nevada.~~

~~2. If the land to be investigated, explored or excavated is owned or held by the United States, the applicant is also required to secure a permit from the proper authorities in accordance with federal law, including, without limitation, the provisions of 16 U.S.C. §§ [431 to 433, inclusive.] 470aa et seq. and 54 U.S.C. § 320302.] (Deleted by amendment.)~~

Sec. 14. NRS 381.201 is hereby amended to read as follows:

381.201 1. The Museum Director may designate any state board, state department, division of a state department or state institution as an agent for the purpose of issuing permits. ~~[The Except as otherwise provided in subsection 4, the agency so designated may adopt regulations relating to investigations, explorations or excavations carried out pursuant to any permit issued by that agency.]~~

2. ~~[An agency so designated]~~ *If the Museum Director designates an agent pursuant to subsection 1 ~~[shall]~~ :*

(a) The agent must act in the manner in which the Museum Director is required to act pursuant to provisions of NRS 381.195 to 381.227, inclusive, and section 6 of this act, ~~[in the instances in which the Museum Director is required to:~~

~~*(a) Provide notice to and consult with each applicable Indian tribe pursuant to section 2 of this act; and*~~

~~*(b) Determine which Indian tribe has the closest cultural affiliation to the historic or prehistoric site designated in a permit pursuant to section 3 of this act.*~~

~~3. If the Museum Director is required to agree to return any native Indian human remains or other cultural item discovered to the closest culturally affiliated Indian tribe in accordance with the repatriation process adopted by the Museum Director pursuant to section 5 of this act, an agency designated pursuant to subsection 1 shall return any such human remains or other cultural item in accordance with the repatriation process adopted pursuant to subsection 4, if a request for repatriation is made.~~

~~4. An agency designated pursuant to subsection 1 shall adopt regulations which set forth the process for repatriation of native Indian human remains and other cultural items. Any such regulations must be developed in consultation with Indian tribes and incorporate the values, beliefs and~~

~~traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the agency.] and any regulations adopted pursuant thereto; and~~

(b) The Museum Director must ensure that the agent acts in the manner in which the Museum Director is required to act pursuant to provisions of NRS 381.195 to 381.227, inclusive, and section 6 of this act, and any regulations adopted pursuant thereto.

Sec. 15. NRS 381.203 is hereby amended to read as follows:

381.203 1. In order to qualify as the recipient of a permit, the applicant must show:

(a) That the investigation, exploration or excavation is undertaken for the benefit of ~~the~~ :

(1) A reputable museum, university, college or other recognized scientific or educational institution, with a view of increasing knowledge ~~of~~ ; and

(2) Indian tribes, to the extent that the investigation, exploration or excavation relates to Indian tribes, and is conducted in a manner that incorporates the values, beliefs and traditions of the Indian tribes.

(b) ~~That~~ Except as otherwise provided in subsection 2, that the gathering is made for permanent preservation in public museums or other recognized educational or scientific institutions.

(c) That the applicant possesses sufficient knowledge and scientific training to make such an investigation, exploration or excavation.

(d) The location of the site where the applicant proposes to investigate, explore or excavate.

2. Before granting a permit, the Museum Director shall:

(a) Provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act;

(b) Determine which Indian tribe has the closest cultural affiliation to the historic or prehistoric site in accordance with section 3 of this act; and

(c) Agree to return any native Indian human remains or other cultural item discovered to the closest culturally affiliated Indian tribe in accordance with the repatriation process adopted pursuant to section 5 of this act, if a request for repatriation is made.

3. The Museum Director may prescribe reasonable regulations for carrying out such investigations, explorations or excavations.

Sec. 16. NRS 381.207 is hereby amended to read as follows:

381.207 1. The holder of a permit, except as otherwise provided in subsections 2 and 3, who does work upon aboriginal mounds and earthworks, ancient burial grounds, prehistoric sites, deposits of fossil bones or other archeological and vertebrate paleontological features within the State shall give to the State 50 percent of all articles, implements and materials found or discovered ~~of~~ of which the holder retained possession after completion of the process set forth in subsection 4, to be deposited with the Nevada State Museum, for exhibition or other use within the State as determined by the Museum Director. The Museum Director may accept less than 50 percent of

such items. Upon receipt of items pursuant to this subsection, the Museum Director shall notify the Office of Historic Preservation.

2. The holder of a permit who does any such work within the State under the authority and direction of the Nevada Historical Society, the Nevada State Museum Las Vegas, or an institution or political subdivision of the State shall give 50 percent of all articles, implements and materials found or discovered *of which the holder retained possession after completion of the process set forth in subsection 4*, to the Society, institution or political subdivision. The holder of the permit may retain the other 50 percent.

3. If the Nevada Historical Society, the Nevada State Museum Las Vegas, or an institution or political subdivision of the State is the holder of the permit, it may retain all articles, implements and materials found or discovered ~~{-}~~ *of which it retained possession after completion of the process set forth in subsection 4*.

4. *If any of the articles, implements or materials found or discovered are native Indian human remains or other cultural items, the Museum Director shall:*

(a) Provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act;

(b) Determine which Indian tribe has the closest cultural affiliation to the historic or prehistoric site in accordance with section 3 of this act; and

(c) Return any native Indian human remains or other cultural item discovered to the closest culturally affiliated Indian tribe in accordance with the repatriation process adopted pursuant to section 5 of this act, if a request for repatriation is made.

5. Whenever the Office of Historic Preservation acquires articles, implements and materials under the provisions of this section, they must be transferred to the Museum Director for exhibition or other use within the State as determined by the Museum Director.

6. *If any native Indian cultural items found or discovered by the holder of a permit are exhibited within this State pursuant to this section, the items must be exhibited respectfully, as determined in consultation with the closest culturally affiliated Indian tribe, if any.*

Sec. 17. NRS 381.209 is hereby amended to read as follows:

381.209 1. The Museum Director may limit a permit as to time and location. A permit may not be granted:

~~{1-}~~ (a) For a period of more than 1 year.

~~{2-}~~ (b) For investigation, exploration or excavation in a larger area than the applicant can reasonably be expected to explore fully and systematically within the time limit set in the permit.

~~{3-}~~ (c) For the removal of any ancient monument, structure or site which can be permanently preserved under the control of the State of Nevada in situ, and remain an object of interest, if desired by the State, for a park, landmark or monument for the benefit of the public.

2. *Before limiting a permit as to time and location, the Museum Director shall provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act.*

Sec. 18. NRS 381.211 is hereby amended to read as follows:

381.211 1. A permit may be renewed for an additional period of time upon application by the permit holder, if the work contemplated by the permit has been diligently prosecuted.

2. *Before renewing a permit, the Museum Director shall:*

(a) *Provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act;*

(b) *Determine which Indian tribe has the closest cultural affiliation to the historic or prehistoric site in accordance with section 3 of this act; and*

(c) *Agree to return any native Indian human remains or other cultural item discovered to the closest culturally affiliated Indian tribe in accordance with the repatriation process adopted pursuant to section 5 of this act, if a request for repatriation is made.*

Sec. 19. NRS 381.215 is hereby amended to read as follows:

381.215 1. After the close of each season's work, within a reasonable time designated in the permit, every permit holder shall furnish to the Museum Director a report containing a detailed account of the work done, material collected and other pertinent data.

2. *Except as otherwise provided in subsection 3, if any of the work done, material collected or other pertinent data is associated with native Indians, the Museum Director shall:*

(a) *Provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act;*

(b) *Determine which Indian tribe has the closest cultural affiliation to the work done, material collected or other pertinent data in accordance with section 3 of this act; and*

(c) *Furnish the report described in subsection 1 to the closest culturally affiliated Indian tribe, if any.*

3. *The Museum Director is not required to comply with the provisions of paragraph (a) of subsection 2 if the Museum Director has already obtained the information necessary to make the determination required pursuant to paragraph (b) of subsection 2 through the permit process set forth in NRS 381.195 to 381.227, inclusive, and section 6 of this act.*

Sec. 20. NRS 381.219 is hereby amended to read as follows:

381.219 Nothing contained in NRS 381.195 to 381.227, inclusive, and section 6 of this act shall interfere with or prevent any person from collecting minerals, rocks or gems, ~~[arrowheads or other Indian artifacts]~~ so long as they are not part of a prehistoric site, nor prevent the photographing of objects of interest.

Sec. 21. NRS 381.221 is hereby amended to read as follows:

381.221 The Division of State Parks of the State Department of Conservation and Natural Resources, and personnel thereof, the sheriffs in

their respective counties, the Nevada Highway Patrol, and all other peace officers shall be charged with the enforcement of NRS 381.195 to 381.227, inclusive ~~[]~~ , *and section 6 of this act*. Those persons charged with the enforcement of NRS 381.195 to 381.227, inclusive, *and section 6 of this act* may ~~[, at]~~ :

1. At any time, examine the permit of any person claiming privileges granted under NRS ~~[381.195 to 381.227, inclusive,]~~ 381.197 and may fully examine all work done under the permit ~~[]~~ ; *and*

2. *Examine the permit of a person claiming privileges under a permit issued pursuant to section 6 of this act in the manner set forth in the regulations adopted pursuant to that section.*

Sec. 22. NRS 381.223 is hereby amended to read as follows:

381.223 1. Any object of antiquity taken, or collection made, on historic or prehistoric sites covered by NRS ~~[381.195 to 381.227, inclusive,]~~ 381.197 without a permit must be seized by the proper law enforcement officers, who shall notify the Museum Director of the action ~~[. The object or collection so taken must be forfeited to the State for exhibition or other use within the State as determined by the Museum Director.]~~ *and deposit the object or collection with the Museum Director for safekeeping.* Upon receipt of any ~~[forfeited]~~ item seized pursuant to this section the Museum Director shall notify the Office of Historic Preservation. *Except as otherwise provided in subsection 2, any object or collection so taken must be forfeited to the State for exhibition or other use within the State as determined by the Museum Director.*

2. *If an object of antiquity or collection seized pursuant to subsection 1 is native Indian human remains or another cultural item, the Museum Director shall:*

(a) Provide notice to and consult with each applicable Indian tribe in accordance with section 2 of this act;

(b) Determine which Indian tribe has the closest cultural affiliation to the human remains or other cultural item, in accordance with section 3 of this act; and

(c) Return the human remains or other cultural items to the closest culturally affiliated Indian tribe in accordance with the repatriation process adopted pursuant to section 5 of this act, if a request for repatriation is made.

Sec. 23. NRS 381.227 is hereby amended to read as follows:

381.227 Unless a greater penalty is provided by a specific statute and except as otherwise provided in NRS 381.225, any person violating any of the provisions of NRS 381.195 to 381.227, inclusive, *and section 6 of this act* is guilty of a misdemeanor.

Sec. 24. Chapter 383 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. *The Office shall use the criteria for determining cultural affiliation set forth in 43 C.F.R. § 10.14 to determine which Indian tribe has the closest cultural affiliation, if any, with regard to a particular cultural item or site.*

Sec. 26. *The Office shall adopt regulations as necessary to carry out the provisions of this section and section 25 of this act and NRS 383.150 to 383.440, inclusive, including, without limitation, regulations which set forth the process for repatriation of native Indian human remains and other cultural items. The regulations must be developed in consultation with Indian tribes and incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the Office.*

Sec. 27. NRS 383.011 is hereby amended to read as follows:

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

1. "Administrator" means the Administrator of the Office.
2. "Advisory Board" means the Board of Museums and History.
3. "Commission" means the Commission for Cultural Centers and Historic Preservation created by NRS 383.500.
4. *"Cultural affiliation" has the meaning ascribed to it in NRS 381.001.*
5. *"Cultural items" has the meaning ascribed to it in NRS 381.001.*
6. "Cultural resources" means any objects, sites or information of historic, prehistoric, archeological, architectural or paleontological significance.
- ~~{5-}~~ 7. "Department" means the State Department of Conservation and Natural Resources.
- ~~{6-}~~ 8. "Director" means the Director of the Department.
- ~~{7-}~~ 9. "Office" means the Office of Historic Preservation of the Department.
10. *"Historic" has the meaning ascribed to it in NRS 381.195.*
11. *"Indian tribe" means any tribe, band, nation or other organized group or community of Indians which is recognized as eligible for the special programs and services provided by the United States to native Indians because of their status as native Indians.*
12. *"Prehistoric" has the meaning ascribed to it in NRS 381.195.*

Sec. 28. NRS 383.021 is hereby amended to read as follows:

383.021 1. The Office of Historic Preservation is hereby created.

2. The Office shall:

(a) Encourage, plan and coordinate historic preservation and archeological activities within the State, including programs to survey, record, study and preserve or salvage cultural resources.

(b) *Carry out the provisions of sections 25 and 26 of this act.*

(c) Compile and maintain an inventory of cultural resources in Nevada deemed significant by the Administrator.

~~{(c)}~~ (d) Designate repositories for the materials that comprise the inventory.

~~{(d)}~~ (e) Provide staff assistance to the Commission.

3. *An Indian tribe may be designated as a repository to receive cultural items pursuant to paragraph (d) of subsection 2 if agreed to by the Indian tribe.*

4. The Comstock Historic District Commission is within the Office.

Sec. 29. NRS 383.081 is hereby amended to read as follows:

383.081 1. The Administrator shall prepare and maintain a comprehensive statewide historic preservation plan. The plan must contain:

(a) *The process of repatriation of cultural items adopted by regulation pursuant to section 26 of this act;*

(b) An evaluation of the needs for preservation of historic sites;

~~[(b)]~~ (c) A program for carrying out the plan; and

~~[(c)]~~ (d) Other information which the Administrator determines to be necessary.

2. The plan must:

(a) Take into account relevant federal resources and programs; and

(b) Be correlated insofar as practicable with other state, *tribal*, regional and local plans.

3. The Administrator, subject to approval by the Director, may represent and act for the State in dealing with the Federal Government or any of its agencies, instrumentalities or officers for the purposes of receiving financial assistance for planning, acquisition or development of historic preservation projects pursuant to the provisions of federal law.

4. The Administrator, subject to approval by the Director, may administer and disburse to other state agencies, political subdivisions, eleemosynary organizations, nonprofit organizations and private persons and enterprises money paid by the Federal Government to the State of Nevada as financial assistance for planning, acquisition or development of historic preservation projects, and the Administrator shall, on behalf of the State, keep such records as the Federal Government prescribes and as will facilitate an effective audit, including records which fully disclose:

(a) The amount and the disposition by the State of the proceeds of that assistance;

(b) The total cost of the project or undertaking in connection with such assistance as given or used; and

(c) The amount and nature of that portion of the cost of the project or undertaking supplied by other sources.

5. Authorized representatives of the Federal Government have access for the purpose of audit and examination to any books, documents, papers and records of the State that are pertinent to financial assistance received by the State pursuant to federal law for planning, acquisition or development of historic preservation projects.

Sec. 30. NRS 383.121 is hereby amended to read as follows:

383.121 1. All departments, commissions, boards and other agencies of the State and its political subdivisions shall cooperate with the Office in order to salvage or preserve historic, prehistoric or paleoenvironmental evidence located on property owned or controlled by the United States, the State of Nevada or its political subdivisions. *The Office shall consult and cooperate with Indian tribes in order to salvage or preserve such historic, prehistoric or paleoenvironmental evidence.*

2. ~~[When]~~ *Except as otherwise provided in subsection 7, when any agency of the State or its political subdivisions is preparing or has contracted to excavate or perform work of any kind on property owned or controlled by the United States, the State of Nevada or its political subdivisions which may endanger historic, prehistoric or paleoenvironmental evidence found on the property, or when any artifact, site or other historic or prehistoric evidence is discovered in the course of such excavation or work, the agency or the contractor hired by the agency shall notify the Office and cooperate with the Office to the fullest extent practicable, within the appropriations available to the agency or political subdivision for that purpose, to preserve or permit study of such evidence before its destruction, displacement or removal.*

3. *Upon receiving notice pursuant to subsection 2 of the potential endangerment of or the discovery of historic, prehistoric or paleoenvironmental evidence, the Office shall immediately notify, in writing, and initiate consultation with any Indian tribe:*

(a) Who is or is likely to be culturally affiliated with the historic, prehistoric or paleoenvironmental evidence;

(b) On whose aboriginal lands the historic, prehistoric or paleoenvironmental evidence was discovered; and

(c) Who is reasonably known to have a direct cultural relationship to the historic, prehistoric or paleoenvironmental evidence.

4. *The written notice must include a proposed time and place for the consultation with the Office.*

5. *Within 10 days after the notice is given by the Office, the Office shall, in consultation with the Indian tribe which has the closest cultural affiliation to the historic, prehistoric or paleoenvironmental evidence as determined by the Office in accordance with section 25 of this act, develop a treatment plan for the affected property that is:*

(a) Consistent with the standard of preservation described in the Secretary of the Interior's standards for the treatment of historic properties as set forth in 36 C.F. R. § 68.3; and

(b) Approved by the closest culturally affiliated Indian tribe before any such excavation or work may be resumed.

6. *The provisions of this section must be made known to all private contractors performing such excavation or work for any agency of the State or its political subdivisions.*

7. *The requirements set forth in NRS 383.150 to 383.180, inclusive, apply if an Indian burial site, as defined in NRS 383.150, is disturbed.*

Sec. 31. NRS 383.150 is hereby amended to read as follows:

383.150 As used in NRS 383.150 to 383.190, inclusive, unless the context otherwise requires:

1. "Cairn" means stones or other material placed in a pile as a memorial or monument to the dead.

2. "Funerary object" has the meaning ascribed to it in NRS 381.001.

3. "Grave" means an excavation for burial of a human body.

~~{3.}~~ 4. "Indian burial site" means the area including and immediately surrounding the cairn or grave of a native Indian.

~~{4. "Indian tribe" means a Nevada Indian tribe recognized by the Secretary of the Interior.}~~

5. "Nondestructive analysis" means analysis performed using scientific or technological techniques to evaluate the properties of a material, component or system without causing damage.

6. "Professional archeologist" means a person who holds a graduate degree in archeology, anthropology or a closely related field as determined by the Administrator.

Sec. 32. NRS 383.160 is hereby amended to read as follows:

383.160 The Office shall:

1. Upon application by:

(a) An interested landowner, assist the landowner in ~~{negotiating an agreement with an Indian tribe for}~~ *contacting the Indian tribe which has the closest cultural affiliation to an Indian burial site and any artifacts and human remains associated with the site so that the landowner may directly consult with the Indian tribe, if any, concerning the treatment and disposition of {an} the Indian burial site and any artifacts and human remains associated with the site; and*

(b) Either party, mediate a dispute arising between a landowner and an Indian tribe relating to the treatment and disposition of an Indian burial site and any artifacts and human remains associated with the site.

2. In performing its duties pursuant to NRS 383.150 to 383.190, inclusive, endeavor to:

(a) Protect Indian burial sites and any associated artifacts and human remains from *excavation*, vandalism and destruction; and

(b) ~~{Provide}~~ *In consultation with the closest culturally affiliated Indian tribe, provide for the sensitive treatment and disposition of Indian burial sites and any associated artifacts and human remains consistent with the planned use of land.*

3. *The Office shall determine which Indian tribe has the closest cultural affiliation to the Indian burial site and any artifacts and human remains associated with the site in accordance with section 25 of this act.*

Sec. 33. NRS 383.170 is hereby amended to read as follows:

383.170 1. Except as otherwise provided in subsection 2:

(a) A person who disturbs the cairn or grave of a native Indian through inadvertence while engaged in a lawful activity such as construction, mining, logging or farming or any other person who discovers the cairn or grave of a native Indian that has not been previously reported to the Office shall immediately report the discovery and the location of the Indian burial site to the Office. ~~{The~~

~~—2.}~~ (b) Upon receiving a report pursuant to subsection 1, the Office shall immediately ~~{consult with the Nevada Indian Commission and notify the~~

~~appropriate~~] notify, in writing, and initiate consultation with any Indian tribe
[] :

~~[(a)]~~ (1) Who is or is likely to be culturally affiliated with the Indian burial site;

~~[(b)]~~ (2) On whose aboriginal lands the Indian burial site was discovered; and

~~[(c)]~~ (3) Who is reasonably known to have a direct cultural relationship to the Indian burial site.

~~[(3)]~~ (c) The written notice must include a proposed time and place for the consultation with the Office.

~~[(4)]~~ (d) Within 10 days after the notice is given by the Office, the landowner shall consult with the Indian tribe which has the closest cultural affiliation to the Indian burial site, as determined by the Office, concerning the treatment and disposition of the site and all artifacts and human remains associated with the site. The Indian tribe may, with the permission of the landowner, inspect the site. ~~and~~ Within 10 days after the inspection, the Indian tribe may recommend an appropriate means for the treatment and disposition of the site and all artifacts and human remains associated with the site.

~~[(2)]~~ Those recommendations may include, without limitation, that any human remains or artifacts associated with the site are:

~~[(a)]~~ (1) Preserved in place;

~~[(b)]~~ (2) Reinterred at another location that is determined in consultation with the Indian tribe which has the closest cultural affiliation to the human remains or artifacts associated with the site; or

~~[(c)]~~ (3) Returned to the closest culturally affiliated Indian tribe, in accordance with the repatriation process adopted pursuant to section 26 of this act, if a request for repatriation is made.

➔ Within 10 days after receiving the recommendations for the treatment and disposition of the site and all artifacts and human remains associated with the site, the landowner may appeal the recommendations to the Office.

~~[(5)]~~ (e) If the Indian burial site is located on private land and:

~~[(a)]~~ (1) The Office fails to identify the closest culturally affiliated Indian tribe or the closest culturally affiliated Indian tribe fails to ~~make a recommendation within 48 hours~~ consult with the landowner after it receives notification pursuant to ~~subsection 1; 2;~~ paragraph (b); or

~~[(b)]~~ (2) The landowner rejects the recommendation made pursuant to ~~subsection 4~~ paragraph (d) and mediation conducted pursuant to NRS 383.160 fails to provide measures acceptable to the landowner,

➔ the landowner shall, at his or her own expense, reinter with appropriate dignity all artifacts and human remains associated with the site in a location not subject to further disturbance.

~~[(3-6)]~~ (f) If the Indian burial site is located on public land and action is necessary to protect the burial site from immediate destruction, the Office may cause a professional archeologist to excavate the site and remove all artifacts

and human remains associated with the site for subsequent reinterment, ~~[following scientific study,]~~ under the supervision of the *closest culturally affiliated* Indian tribe ~~[-]~~.

~~—4.~~, if any.

~~[7.]~~ (g) Any other excavation of an Indian burial site may be conducted only:

~~[(a)]~~ (1) By a professional archeologist;

~~[(b)]~~ (2) After written notification to the Administrator; and

~~[(c)]~~ (3) With the prior written consent of the ~~[appropriate]~~ *closest culturally affiliated* Indian tribe ~~[-]~~, if any. Failure of ~~[-]~~ *an Indian* tribe to respond to a request for permission within 60 days after its mailing by certified mail, return receipt requested, shall be deemed consent to the excavation.

↪ All artifacts and human remains removed during such an excavation must ~~[-, following scientific study,]~~ be reinterred under the supervision of the *closest culturally affiliated* Indian tribe, if any, except that the Indian tribe may, by explicit written consent, authorize the public display of a particular artifact ~~[-]~~ if the public display is respectful, as determined in consultation with the Indian tribe. The archeologist, *closest culturally affiliated* Indian tribe, if any, and landowner shall negotiate an agreement to determine who will pay the expenses related to the interment.

~~[8.]~~ (h) The Office shall determine which Indian tribe has the closest cultural affiliation to an Indian burial site and all artifacts and human remains associated with the site in accordance with section 25 of this act.

~~[9.]~~ (i) Human remains or funerary objects discovered at an Indian burial site:

~~[(a)]~~ (1) Must not be subjected to scientific study; and

~~[(b)]~~ (2) Must not be separated when the human remains and funerary objects are reinterred.

~~[10.]~~ (j) Nondestructive analysis on any other artifacts removed from an Indian burial site may be conducted only with the explicit written consent of the *closest culturally affiliated* Indian tribe, if any.

2. The provisions of subsection 1 do not apply if the person who disturbed the cairn or grave of a native Indian through inadvertence while engaged in a lawful activity is subject to an existing agreement with the closest culturally affiliated Indian tribe that relates to the discovery of historic, prehistoric or paleoenvironmental evidence.

Sec. 34. NRS 383.180 is hereby amended to read as follows:

383.180 1. Except as otherwise provided in NRS 383.170, a person who willfully removes, mutilates, defaces, injures or destroys the cairn or grave of a native Indian is guilty of a gross misdemeanor and shall be ~~[punished]~~ :

(a) Punished by a fine of ~~[\$500]~~ \$2,000 for the first offense, or by a fine of not more than ~~[\$3,000]~~ \$4,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than 364 days ~~[-]~~ ; and

(b) *Ordered to pay for the costs to reinter with appropriate dignity all artifacts and human remains associated with the cairn or grave.*

2. A person who fails to notify the Office of the discovery and location of an Indian burial site in violation of NRS 383.170 is guilty of a gross misdemeanor and shall be punished by a fine of \$500 for the first offense, or by a fine of not more than \$1,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than 364 days.

3. A person who:

(a) Possesses any artifact or human remains taken from the cairn or grave of a native Indian on or after October 1, 1989, in a manner other than that authorized by NRS 383.170;

(b) Publicly displays or exhibits any of the human remains of a native Indian, except during a funeral ceremony; or

(c) Sells any artifact or human remains taken from the cairn or grave of a native Indian,

➤ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. This section does not apply to:

(a) The possession or sale of an artifact:

(1) Discovered in or taken from a location other than the cairn or grave of a native Indian; or

(2) Removed from the cairn or grave of a native Indian by other than human action; or

(b) Action taken by a peace officer in the performance of his or her duties.

Sec. 35. NRS 383.190 is hereby amended to read as follows:

383.190 1. In addition to the imposition of any criminal penalty, an Indian tribe or an enrolled member of an Indian tribe may bring a civil action to secure an injunction, damages and other appropriate relief against a person who violates NRS 383.170 or 383.180. ~~[381.008, 381.009, 381.195 to 381.227, inclusive, and section 6 of this act, 383.021, 383.081, 383.121 or 383.150 to 383.440, inclusive, or section 25 or 26 of this act.]~~ The action must be brought within 2 years after the discovery of the action by the plaintiff. The action may be filed in the district court for the county in which the cairn, grave, ~~[artifacts or]~~ *native Indian human remains or other cultural items* are located, or within which the defendant resides.

2. If the plaintiff prevails in the action:

(a) The court may award reasonable attorney fees to the plaintiff.

(b) The court may grant injunctive or such other equitable relief as is appropriate, including forfeiture of any ~~[artifacts or]~~ *human remains or other cultural items* acquired or equipment used in the violation. The court shall order the disposition of any forfeited equipment as it sees fit, and order the reinterment of the ~~[artifacts and]~~ *human remains and other cultural items* at the defendant's expense under the supervision of the Indian tribe.

(c) The plaintiff may recover actual damages.

3. If the defendant prevails in the action, the court may award reasonable attorney fees to the defendant.

Sec. 36. NRS 383.430 is hereby amended to read as follows:

383.430 1. Upon request by any state agency or political subdivision, the Office may enter into an agreement with that state agency or political subdivision regarding any land which the state agency or political subdivision intends to acquire from an agency of the Federal Government. The agency of the Federal Government may be a party to the agreement. *If the land includes any cultural items, the Indian tribe which has the closest cultural affiliation to the cultural item may request that the Office enter into such an agreement.*

2. An agreement made pursuant to subsection 1 must:

(a) *If the agreement involves land that includes any cultural items, include the Indian tribe which has the closest cultural affiliation to the cultural item, if any, as a party to the agreement;*

(b) Include provisions that are sufficient to ensure that the land, when acquired, will receive protection for any historic or prehistoric site at a level equivalent to the protection provided if the land had remained under federal ownership;

~~[(b)]~~ (c) Require the state agency or political subdivision to submit a proposal and consult with the Office before changing the use of the land or initiating a project on any portion of the land; and

~~[(e)]~~ (d) Require that any expenses associated with carrying out the agreement are the responsibility of the state agency or political subdivision.

3. If a state agency or political subdivision submits a proposal to change the use of the land or initiate a project on any portion of the land pursuant to paragraph ~~[(b)]~~ (c) of subsection 2, the state agency or political subdivision shall:

(a) Provide to the Office a written statement:

(1) Identifying any Indian tribes that may be concerned with the religious or cultural importance of the site and other interested persons for inclusion in the consultation required pursuant to paragraph ~~[(b)]~~ (c) of subsection 2;

(2) Identifying any historic or prehistoric sites in accordance with the requirements of the Office for recording and reporting for those sites;

(3) Evaluating any historic or prehistoric sites for inclusion in the State Register of Historic Places, including any text excavations or other research;

(4) Evaluating the effect of the change in use of the land or the project on a historic or prehistoric site that is eligible for inclusion in the State Register of Historic Places; and

(5) Evidencing the preparation and carrying out of treatment plans that comply with the requirements of the Office for those plans; and

(b) Any other information relating to the proposed change of use required by the Office.

4. *The Office shall determine which Indian tribe has the closest cultural affiliation to the cultural item in accordance with section 25 of this act.*

Sec. 37. NRS 383.435 is hereby amended to read as follows:

383.435 1. Except as otherwise provided in this section, a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or sells cultural property appropriated from state land without a valid permit, unless a greater penalty is provided by a specific statute:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of ~~[\$500.]~~ \$1,000.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days or by a fine of not more than ~~[\$3000.]~~ \$3,500, or by both fine and imprisonment.

2. This section does not apply to any action taken:

(a) In accordance with an agreement with the Office entered into pursuant to NRS 383.430; or

(b) In accordance with the provisions of NRS 381.195 to 381.227, inclusive, *and section 6 of this act* by the holder of a permit issued pursuant to those sections.

3. In addition to any other penalty, a person who violates a provision of this section is liable for civil damages to the state agency or political subdivision which has jurisdiction over the state land in an amount equal to the cost or, in the discretion of the court, an amount equal to twice the cost of the restoration, stabilization and interpretation of the site plus any court costs and fees.

Sec. 38. NRS 383.500 is hereby amended to read as follows:

383.500 1. The Commission for Cultural Centers and Historic Preservation is hereby created. The Commission is advisory to the Department and consists of:

(a) The Chair of the Board of Trustees of Nevada Humanities or a member of the Board of Trustees of Nevada Humanities designated by the Chair;

(b) The Chair of the Board of the Nevada Arts Council of the Department of Tourism and Cultural Affairs or a member of the Board of the Nevada Arts Council designated by the Chair;

(c) The Chair of the Advisory Board or a member of the Advisory Board designated by the Chair;

(d) A member of the Advisory Board appointed by the Governor;

(e) *A member of the Advisory Board who is an enrolled member of a Nevada Indian tribe and who is appointed by the Nevada Indian Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization;*

(f) One representative of the general public who has a working knowledge of the promotion of tourism in Nevada *and who is appointed by the Governor;* and

~~[(f)]~~ (g) The Chair of the State Council on Libraries and Literacy or a member of the State Council on Libraries and Literacy designated by the Chair.

2. The Commission shall:

(a) Elect from its membership a Chair who shall serve for a term of 2 years. A vacancy occurring in this position must be filled by election of the members of the Commission for the remainder of the unexpired term.

(b) Prescribe rules for its own management and government.

(c) Meet biannually, or at more frequent times if it deems necessary, and may, within the limitations of its budget, hold special meetings at the call of the Chair.

3. ~~{Three}~~ Four members of the Commission constitute a quorum, but a majority of the members of the Commission is necessary to consider particular business before it and to exercise the power conferred on the Commission.

4. The members of the Commission are not entitled to be paid a salary, but are entitled, while engaged in the business of the Commission, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 39. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2018, for all other purposes.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 309 to Senate Bill No. 244 makes various changes including, but not limited to deleting certain additional permit requirements; providing a timeline for certain notifications and recommendations from an Indian tribe and the Office of Historic Preservation related to the treatment and disposition of certain artifacts and human remains associated with a site, and deleting the provision that would have expanded the violations for which a civil action can be brought.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 498.

SUMMARY—Requires instruction in financial literacy and economics in public schools. (BDR 34-62)

AN ACT relating to education; requiring instruction in financial literacy for certain pupils enrolled in public schools; requiring a pupil enrolled in a public high school to receive instruction in economics; creating the Account for Instruction in Financial Literacy in the State General Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a pupil enrolled in a public high school to enroll in a certain number of credits in certain subject areas. (NRS 389.018) Section 2 of this bill requires a pupil enrolled in a public high school to enroll in one-half

unit of credit in economics ~~Section 2 requires the Department of Education to: (1) contract with a provider to develop an online, end-of-course assessment for the economics course; and (2) develop a plan to analyze the results of such assessments. Section 2 also requires the board of trustees of each school district and the governing body of a charter school which is a high school to administer this assessment and report the results of the assessment to the Department.~~ and limits American government to one-half unit of credit, but allows a school district to authorize a school to offer a combined course in American government and economics for one unit of credit in certain circumstances. Section 7 of this bill makes those provisions effective on July 1, 2022.

Existing law requires instruction in financial literacy for pupils enrolled in high school in each school district and in each charter school that operates as a high school. (NRS 389.074) Section 3 of this bill additionally requires instruction in financial literacy for pupils enrolled in grades 3 to 12, inclusive. Section 3 requires the Council to Establish Academic Standards for Public Schools to include the standards of content and performance for instruction in financial literacy in the standards of content and performance established by the Council. Section 3 also requires that instruction in financial literacy: (1) be age-appropriate; (2) include certain topics; and (3) be provided within a course of study for which the Council has established the relevant standards of content and performance. Section 1 of this bill creates the Account for Instruction in Financial Literacy in the State General Fund and provides that money in the Account generally may be used only for providing the instruction in financial literacy required by section 3.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers employed by the school district or charter school have access to certain professional development training. (NRS 391A.370) Section 4 of this bill requires each school district and the governing body of a charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, to provide professional development training regarding financial literacy to teachers who teach in a subject area in which instruction in financial literacy is provided. The professional development training required by section 4 may be provided by a school district or governing body or through an agreement with an institution of higher education or a regional training program for professional development of teachers and administrators.

Section 4.5 of this bill makes an appropriation to carry out the provisions of this bill. Section 5 of this bill requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for the instruction in financial literacy and to revise the standards of content and performance for instruction in American government by August 1, 2017, and requires the State Board of Education to adopt and revise such standards of content and performance by October 1, 2017.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Account for Instruction in Financial Literacy is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the sum of the money in the Account and any unexpended appropriations made to the Account from the State General Fund must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

2. *Except as otherwise provided in subsection 1, the money in the Account may be used only for providing the instruction in financial literacy required by NRS 389.074. The State Board shall adopt regulations governing the distribution of money in the Account for this purpose.*

Sec. 2. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English language arts;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English language arts;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
 - (1) *One-half unit of credit in American government;*
 - (2) *Two units of credit in American history ~~[- and~~*
~~— (3) World], world history or geography [-]; and~~
 - (3) *One-half unit of credit in economics.*

➡ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled

mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and (3) if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

➡ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

~~[4. The Department shall contract with a provider to develop an online, end of course assessment for the economics course required by paragraph (d) of subsection 2.~~

~~— 5. The board of trustees of each school district and the governing body of a charter school which is a high school shall:~~

~~— (a) Administer the assessment developed pursuant to subsection 4 to each pupil upon completion of the economics course required by paragraph (d) of subsection 2; and~~

~~— (b) Report the results of such assessments to the Department.~~

~~— 6. The Department shall develop a plan to analyze the results submitted pursuant to subsection 5 that includes a determination of the average scores statewide and the scores disaggregated by school district and school.]~~

Sec. 3. NRS 389.074 is hereby amended to read as follows:

389.074 1. The board of trustees of each school district and the governing body of each charter school ~~[that operates as a high school]~~ shall ensure that instruction ~~[on]~~ in financial literacy is provided to pupils enrolled in *grades 3 to 12, inclusive*, in each public ~~[high]~~ school within the school district or in the charter school, as applicable. The instruction must include, without limitation:

(a) The skills necessary to develop financial responsibility, including, without limitation:

- (1) Making reasonable financial decisions by analyzing the alternatives and consequences of those financial decisions;
- (2) Locating and evaluating financial information from various sources;
- (3) *Judging the quality of services offered by a financial institution;*
- (4) Developing communication strategies to discuss financial issues;
- ~~[(4)]~~ (5) Controlling personal information; and
- ~~[(5)]~~ (6) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

- (1) Developing a plan for spending and saving;
- (2) Developing a system for keeping and using financial records; and
- (3) Developing a personal financial plan.

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

- (1) Identifying the costs and benefits of various types of credit;
- (2) *Understanding the methods to manage debt and the consequences of acquiring debt;*
- (3) *Understanding how interest rates, compounding frequency and the terms of a loan can affect the cost of credit;*
- (4) *Completing an application for a loan;*
- (5) *Understanding different types of loans, including, without limitation, payday loans, automobile loans, student loans and mortgages;*
- (6) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;
- ~~[(3)]~~ (7) Describing the rights of a borrower regarding his or her credit report;
- ~~[(4)]~~ (8) Identifying methods to avoid and resolve debt problems; and
- ~~[(5)]~~ (9) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

- (1) Understanding how saving and investing contribute to financial well-being;
- (2) Understanding the methods of investing and alternatives to investing;
- (3) Understanding how to buy and sell investments; ~~and~~
- (4) *Understanding compound interest, including, without limitation, in the context of investments;*
- (5) *Understanding various types of securities, including, without limitation, stocks and bonds; and*
- (6) Understanding how the regulation of financial institutions protects investors.

(e) *The skills necessary to prevent and limit the consequences of identity theft and fraud.*

(f) The skills necessary to understand the basic assessment of taxes, including, without limitation, understanding the matter in which taxes are computed by local, state and federal governmental entities.

(g) The skills necessary to understand the basic principles of insurance, including, without limitation:

- (1) Understanding the function of various insurance policies; and
- (2) Determining the quality of an insurance provider.

(h) The skills necessary to plan for higher education and career choices, including, without limitation:

(1) Information concerning institutions of higher education and college preparedness;

(2) Information concerning career options;

(3) Writing a resume;

(4) Information concerning opportunities for financial aid, including the Free Application for Federal Student Aid ~~FAF~~ and the programs of the Western Interstate Commission for Higher Education, and the manner in which to qualify for such opportunities;

(5) Information concerning scholarship opportunities, including, without limitation, the Governor Guinn Millennium Scholarship Program and Silver State Opportunity Grant Program; and

(6) Information concerning prepaid tuition and college savings programs and plans established pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529.

2. The standards of content and performance for the instruction in financial literacy required by subsection 1 ~~may~~ must be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520. The instruction required by subsection 1 must be:

(a) Age-appropriate; and

(b) Included within a course ~~for program of instruction that pupils enrolled in high school are otherwise required to complete for graduation.~~ of study for which the Council has established the relevant standards of content and performance, including, without limitation, a course of study in economics, mathematics or social studies.

3. The board of trustees of each school district and the governing body of each charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, shall encourage:

(a) Persons to donate money to the Account for Instruction in Financial Literacy created by section 1 of this act;

(b) Persons to volunteer time, expertise and resources to assist a school district, governing body of a charter school, public school or teacher in the provision of instruction in financial literacy; and

(c) Partnerships between a school district or charter school and relevant persons, businesses or entities in which those persons, businesses or entities provide the resources necessary to provide instruction in financial literacy.

Sec. 4. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

Each school district and the governing body of a charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, shall provide professional development training regarding financial literacy to teachers who teach in a subject area in which instruction in financial literacy is provided. Such professional development training may be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for professional development of teachers and administrators.

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Clark County School District to carry out the provisions of this act the following sums:

For the Fiscal Year 2017-2018.....\$1,000,000

For the Fiscal Year 2018-2019.....\$1,000,000

2. There is hereby appropriated from the State General Fund to the Washoe County School District to carry out the provisions of this act the following sums:

For the Fiscal Year 2017-2018.....\$300,000

For the Fiscal Year 2018-2019.....\$300,000

3. There is hereby appropriated from the State General Fund to the Department of Education to carry out the provisions of this act the following sums:

For the Fiscal Year 2017-2018.....\$200,000

For the Fiscal Year 2018-2019.....\$200,000

4. Any balance of the sums appropriated by subsections 1, 2 and 3 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

5. Money appropriated pursuant to subsection 1 or 2 must be used to support instruction in financial literacy or economics, including, without limitation, by providing professional development training regarding financial literacy to teachers who teach in a subject area in which instruction in financial literacy is provided.

6. Money appropriated pursuant to subsection 3 must be used to award grants of money to school districts other than the Clark County School District and Washoe County School District and to the sponsors of charter schools that submit an application to the Department of Education. The amount granted to each school district and charter school must be based upon the number of

pupils enrolled in each such school district or charter school, as applicable, who are enrolled in a subject area in which instruction in financial literacy is provided, and not on a competitive basis.

7. The sums appropriated by this section must be accounted for separately from any other money and used only for the purposes specified in this section.

Sec. 5. The Council to Establish Academic Standards for Public Schools shall establish the standards of content and performance for instruction in financial literacy and revise the standards of content and performance for instruction in American government on or before August 1, 2017. The State Board of Education shall adopt standards of content and performance for instruction in financial literacy and revise standards of content and performance for instruction in American government on or before October 1, 2017.

Sec. 6. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 7. 1. This section and sections 1, ~~and~~ 3 ~~to~~, 4, 5 and 6 ~~inclusive,~~ of this act become effective upon passage and approval.

2. Section 4.5 of this act becomes effective on July 1, 2017.

3. Section 2 of this act becomes effective on July 1, 2022.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 498 to Senate Bill No. 249 allows a combined course in Advanced Placement American government and economics; removes the end-of-course testing requirement; expands the financial-aid information provided; allows additional entities to provide professional development; requires revision of the academic standards for American government, and includes a \$1.5 million annual appropriation for distribution to school districts and charter schools.

Amendment adopted.

Senator Denis moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 448.

SUMMARY—Revises provisions relating to peace officers. (BDR 23-539)

AN ACT relating to peace officers; prohibiting a law enforcement agency from performing certain actions relating to an investigation of a peace officer; requiring the dismissal of certain actions against a peace officer and the imposition of certain other sanctions against the State or a local government under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a law enforcement agency may charge a peace officer with insubordination for refusing to comply with a request by a superior officer to cooperate in a criminal investigation. (NRS 289.020) Section 1 of this bill provides that a peace officer may be charged with insubordination for refusing to comply with an order, rather than a request, by a superior officer.

Existing law prohibits the use, in an administrative proceeding or civil action against a peace officer, of evidence obtained in violation of the rights of a peace officer set forth in existing law. (NRS 289.085) Section 2 of this bill provides that if evidence was obtained in willful and intentional violation of the peace officer's rights, the evidence is inadmissible and the arbitrator, hearing officer or court shall exclude the evidence and enter an order: (1) ruling that the entire investigation is void and abated; (2) mandating the removal of information relating to the investigation from the administrative file on the peace officer; and (3) dismissing the proceeding or action against the peace officer. ~~[- and (4) awarding attorney's fees and costs to the peace officer.]~~

Existing law prohibits a law enforcement agency from: (1) suspending a peace officer without pay during or pursuant to an investigation of certain complaints or allegations against the peace officer until the conclusion of all related investigations, except as otherwise provided in a collective bargaining agreement; and (2) keeping or making a record of an investigation of a peace officer when a policy of the law enforcement agency or a labor agreement requires the removal of the record from the peace officer's administrative file. (NRS 289.057) Section ~~1.1~~ 1.5 of this bill revises these provisions, prohibiting the suspension of a peace officer, without regard to contrary provisions in an applicable collective bargaining agreement, until the conclusion of the investigations of the peace officer. Section ~~1.1~~ 1.5 also prohibits, with certain exceptions, a law enforcement agency from keeping or making a record of any inadmissible evidence from an investigation which is abated pursuant to an order by an arbitrator, a hearing officer or the court pursuant to section 2.

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

Section 1. NRS 289.020 is hereby amended to read as follows:

289.020 1. A law enforcement agency shall not use punitive action against a peace officer if the peace officer chooses to exercise the peace officer's rights under any internal administrative grievance procedure.

2. If a peace officer is denied a promotion on grounds other than merit or other punitive action is used against the peace officer, a law enforcement agency shall provide the peace officer with an opportunity for a hearing.

3. If a peace officer refuses to comply with ~~[- a request]~~ an order by a superior officer to cooperate with the peace officer's own or any other law enforcement agency in a criminal investigation, the agency may charge the peace officer with insubordination.

~~[Section 1.]~~ Sec. 1.5. NRS 289.057 is hereby amended to read as follows:

289.057 1. An investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action.

2. ~~[Except as otherwise provided in a collective bargaining agreement, a]~~ A law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency, ~~[or]~~ a labor agreement ~~[.]~~ or an order of an arbitrator, a hearing officer or the court pursuant to paragraph (b) of subsection 2 of NRS 289.085, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of ~~[the]~~ :

(1) The investigation, including, without limitation, any evidence which is inadmissible pursuant to NRS 289.085; or ~~[the]~~

(2) The imposition of punitive action,

➡ after the record is required to be removed from the administrative file.

Sec. 2. NRS 289.085 is hereby amended to read as follows:

289.085 If an arbitrator, *hearing officer* or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of NRS 289.010 to 289.120, inclusive, and that such evidence may be prejudicial to the peace officer, ~~[such]~~ all evidence obtained during the investigation as a result of a willful and intentional violation of any provision of NRS 289.010 to 289.120, inclusive, is inadmissible and the arbitrator, *hearing officer* or court shall ~~[exclude]~~ :

1. *Exclude* such evidence during any administrative proceeding commenced or civil action filed against the peace officer ~~[.]~~ ; and

2. *Enter an order:*

(a) *Ruling that the entire investigation is void and abated;*

(b) *Mandating the removal of any record of the investigation from any administrative file relating to the peace officer maintained by the law enforcement agency; and*

(c) Dismissing the proceeding or action against the peace officer ~~and~~
~~(d) Awarding to the peace officer all attorney's fees and costs which were borne by the peace officer in defending against the investigation and proceeding or action. Such fees and costs must be paid by the State or the local government whose agency was responsible for knowingly and willfully violating the rights of the peace officer.~~

Sec. 3. This act becomes effective on July 1, 2017.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 448 to Senate Bill No. 282 provides that a peace officer may be charged with insubordination for refusing to comply with an order, rather than a request, by a superior officer; deletes the provision to award attorney's fees and costs to the peace officer; and clarifies that a violation of the peace officer's rights must be willful and intentional in order for the evidence obtained, while such violation occurred, to be inadmissible.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 576.

SUMMARY—Revises provisions related to the installation of certain systems for obtaining wind energy. (BDR 22-482)

AN ACT relating to renewable energy; revising provisions concerning restrictions or requirements imposed by the governing body of a local government on the installation of a system for obtaining wind energy; specifying that a governing body is not precluded from denying the issuance of a permit for the installation of a system for obtaining wind energy ~~Based on a determination that installation of the system represents a danger to the health, safety or welfare of the public;~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of a city or county: (1) may enact zoning regulations and restrictions to promote the health, safety, morals or general welfare of the community; (2) is prohibited from adopting an ordinance or taking any other action which unreasonably prohibits or restricts an owner of real property from using a system for obtaining wind energy on his or her property; and (3) may impose a reasonable restriction on the use of a system for obtaining wind energy which is related to the finish, height, location, noise, safety or setback of the system. (NRS 278.020, 278.02077)

This bill deletes the provision which specifies that the governing body or a city or county may impose reasonable restrictions on the use of a system for obtaining wind energy which are related to the height of the system. This bill instead provides that the governing body of a city or county is not precluded from denying an application for a permit for the installation of a system for

obtaining wind energy if ~~[the governing body determines,]~~ based on the size, height ~~[, location]~~ or configuration of the system, ~~[that]~~ the installation of the system : (1) represents a danger to the health, safety or welfare of the public ~~[,]~~ ; or (2) is not compatible with the character of the area in which the system is located.

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

Section 1. NRS 278.02077 is hereby amended to read as follows:

278.02077 1. Except as otherwise provided in subsection 2:

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining wind energy on his or her property.

(b) Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not ~~[prohibit]~~ :

(a) *Prohibit* a reasonable restriction or requirement:

~~[(a)]~~ (1) Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or

~~[(b)]~~ (2) Relating to the finish, ~~the height,~~ location, noise, safety or setback of a system for obtaining wind energy ~~[,]~~ ; or

(b) *Preclude a governing body from denying an application for the issuance of a permit or special use permit for the installation of a system for obtaining wind energy if the governing body determines, based on the size, height ~~[, location]~~ or configuration of the system, that installation of the system ~~[represents]~~ :*

(1) Represents a danger to the health, safety or welfare of the public ~~[,]~~ ; or

(2) Is not compatible with the character of the area in which the system is located.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 576 to Senate Bill No. 314 authorizes a governing body of a city or county to deny an application for the installation of a wind energy system if the system is not compatible with the character of the area in which the system is located.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 501.

SUMMARY—~~[Requires passage of]~~ Revises provisions governing the requirement for an examination in civics as a condition [of receiving credit for a course in American government.] for graduation from high school. (BDR 34-993)

AN ACT relating to education; ~~[requiring]~~ authorizing a public high school to require each pupil, with certain exceptions, to take ~~[and pass]~~ an examination in civics ~~[as a condition of receiving credit for a course in American government and];~~ requiring, at a later date, each public high school to require each pupil, with certain exceptions, to take such an examination as a requirement for graduation from high school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a pupil is generally not entitled to graduate from a public high school without passing a course in American government. (NRS 389.054, 389.077) ~~[As a condition of receiving credit for such a course, section 1]~~ Section 2 of this bill [requires,] authorizes a public high school to require, with certain exceptions, that every pupil in [a] the public high school take an examination containing a number of questions, determined by the public high school, which are identical to the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security. [and answer correctly not less than 60 of the 100 questions on the examination.] Section 3 of this bill requires each public high school to administer such an examination and requires, with certain exceptions, a pupil to take such an examination to receive a certificate or diploma of graduation.

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

Section 1. ~~[NRS 389.077 is hereby amended to read as follows:~~

~~389.077 1. Except as otherwise provided in [subsections 2 and 3,] this section, no pupil in any public high school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS may receive a certificate or diploma of graduation without having passed a course in American government and American history as required by NRS 389.054 and 389.057.~~

~~2. Except as otherwise provided in this section, a pupil in any public high school must not be awarded credit for a course in American government unless he or she has taken an examination identical to the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security and has answered correctly not less than 60 of the 100 questions on the examination. A pupil must be allowed to take the examination as often as necessary to obtain the required score. Passage of the examination must be noted on the transcript of the pupil. In accordance with his or her individualized education program, a pupil with~~

~~a disability may receive a waiver of the requirements of this subsection. As used in this subsection, "public high school" includes, without limitation, any charter school that operates as a high school.~~

~~3. A pupil who is enrolled in a university school for profoundly gifted pupils who meets the requirements of NRS 388C.120 is exempt from the provisions of [subsection 1].~~

~~3.] subsections 1 and 2.~~

~~4. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of [subsection 1] subsections 1 and 2 if, in accordance with the provisions of NRS 388F.010, the pupil:~~

~~(a) Successfully completed a comparable course in the school in which the pupil was previously enrolled; or~~

~~(b) Successfully completes an alternative means prescribed by the school district for acquiring the required course work.] (Deleted by amendment.)~~

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public high school may administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security to each pupil enrolled in the public high school.

2. A public high school which administers the examination described in subsection 1 shall:

(a) Determine the course in which the examination will be administered;

(b) Establish the number of questions which will be included on the examination, which must not be less than 50;

(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and

(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.

3. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:

(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;

(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or

(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a

certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.

4. As used in this section, "public high school" includes, without limitation, any charter school that operates as a high school.

Sec. 3. Section 2 of this act is hereby amended to read as follows:

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public high school ~~(may)~~ shall administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security to each pupil enrolled in the public high school.

2. A public high school ~~[which administers the examination described in subsection 1]~~ shall:

(a) Determine the course in which the examination will be administered;

(b) Establish the number of questions which will be included on the examination, which must not be less than 50;

(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and

(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.

3. Except as otherwise provided in subsection 4, no pupil in any public high school may receive a certificate or diploma of graduation without having taken the examination described in subsection 1.

4. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:

(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;

(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or

(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.

~~[4.]~~ 5. As used in this section, "public high school" includes, without limitation, any charter school that operates as a high school.

~~[Sec. 2.]~~ Sec. 4. 1. This section and sections 1 and 2 of this act become effective on July 1, 2018.

2. Section 3 of this act becomes effective on July 1, ~~[2017.]~~ 2019.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 501 to Senate Bill No. 322 allows high schools to offer the proposed civics test during School Year 2018-2019; and beginning in School Year 2019-2020, requires each high school student, with certain exceptions, to take the test and further requires each high school to report the aggregated test results by August 31 each year.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 328.

SUMMARY—Revises provisions relating to ~~[marijuana establishments and]~~ medical marijuana establishments. (BDR 40-1110)

AN ACT relating to marijuana; authorizing ~~[a local government to request the registration of additional medical marijuana dispensaries within the jurisdiction of the local government.]~~ the registration of medical marijuana research facilities; revising the purposes for which the Division of Public and Behavioral Health of the Department of Health and Human Services may spend certain money relating to the medical use of marijuana collected by the Division; authorizing any institution of the Nevada System of Higher Education to seek the approval of the Federal Government to perform research relating to marijuana; ~~[limiting the authority of a board of county commissioners or the governing body of an incorporated city to regulate or impose license taxes upon marijuana establishments and medical marijuana establishments;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Existing law establishes certain limits on the number of medical marijuana dispensaries that may receive a medical marijuana establishment registration certificate in each county. (NRS 453A.324) Section 1 of this bill allows the governing body of a city, town, township or unincorporated area within a county to request the registration of additional medical marijuana dispensaries by the Division of Public and Behavioral Health of the Department of Health and Human Services in the city, town, township or unincorporated area.]~~

Existing law exempts a person who holds a valid medical marijuana establishment registration certificate from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such establishments. (NRS 453A.320-453A.370) Sections 1.1-1.8 of this bill authorize the existence of medical marijuana

research facilities. Section 1.3 of this bill establishes requirements for the certification and operation of a medical marijuana research facility. Section 1.5 of this bill requires the submission of proof of the approval by the scientific review panel established by the Division of Public and Behavioral Health of the Department of Health and Human Services of the program of research in which a medical marijuana research facility is engaged for renewal of the medical marijuana establishment registration certificate of the facility. Section 1.8 of this bill prohibits research not approved by the scientific review panel. Section 2 of this bill establishes the fees for the issuance and renewal of a medical marijuana establishment registration certificate for a medical marijuana research facility.

Existing law requires that the money raised from applications for and the issuance and renewal of medical marijuana establishment registration certificates be expended first to pay the costs of the Division in carrying out the provisions of existing law relating to medical marijuana establishments, with any excess money deposited to the credit of the State Distributive School Account in the State General Fund. (NRS 453A.344) Existing law also requires that any money received by the Division as a gift, grant, donation or contribution or as an appropriation to carry out the provisions of existing law relating to the medical use of marijuana must be used to carry out those provisions or to carry out certain alcohol and drug abuse programs. (NRS 453A.730) Sections 2 and 7 of this bill allow such money to also be spent to support programs to provide education and outreach relating to the safe usage of marijuana and to prevent the abuse of marijuana.

Existing law requires the University of Nevada School of Medicine to seek federal approval to establish a program of research relating to the medical use of marijuana and, upon receiving such approval, establish the program of research. (NRS 453A.600) Sections 3-6 of this bill allow any institution of the Nevada System of Higher Education to also seek such approval and establish such a program of research.

~~[Existing law generally authorizes counties and incorporated cities to: (1) regulate businesses located within their jurisdictions; and (2) fix, impose and collect a license tax on businesses located within their jurisdictions for revenue, regulation or both. (NRS 244.335, 268.095) Sections 8-11 of this bill prohibit counties and incorporated cities from imposing requirements upon marijuana establishments or medical marijuana establishments other than: (1) ordinances relating to zoning and land use; (2) ordinances establishing building requirements of general applicability; or (3) other requirements of general applicability to all businesses within the jurisdiction of the county or incorporated city. Sections 8-11 also limit the license tax that may be imposed by a county or an incorporated city upon a marijuana establishment or medical marijuana establishment to a total amount which does not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment.]~~

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

Section 1. ~~NRS 453A.324 is hereby amended to read as follows:~~

~~453A.324 1. Except as otherwise provided in this section and NRS 453A.326, the Division shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to NRS 453A.322:~~

~~—(a) In a county whose population is 700,000 or more, 40 certificates;~~

~~—(b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;~~

~~—(c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and~~

~~—(d) In each other county, one certificate.~~

~~2. Notwithstanding the provisions of subsection 1, the Division:~~

~~—(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Division may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if to do so is necessary to ensure that the Division issues at least one medical marijuana establishment registration certificate in each county of this State in which the Division has approved an application for such an establishment to operate.~~

~~—(b) Shall, for any county for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the Division accepts applications pursuant to subsection [4,] 5, reallocate the certificates provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.~~

~~3. The governing body of a local governmental jurisdiction may request the Division to issue a certain number of medical marijuana establishment registration certificates for medical marijuana dispensaries located within the local governmental jurisdiction in addition to the medical marijuana establishment registration certificates issued pursuant to subsection 1. Upon receipt of such a request, the Division shall:~~

~~—(a) Determine whether the additional number of medical marijuana dispensaries are necessary to serve and supply the persons who hold valid registry identification cards in the local governmental jurisdiction; and~~

~~—(b) If the Division determines the additional number of medical marijuana dispensaries are necessary pursuant to paragraph (a), make a corresponding number of medical marijuana establishment registration certificates available during the next period in which the Division accepts applications pursuant to subsection 5.~~

~~4. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the Division shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the Division has granted medical marijuana establishment registration certificates.~~

~~[4.] 5. The Division shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.~~

~~6. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.] (Deleted by amendment.)~~

Sec. 1.1. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.3 of this act.

Sec. 1.2. "Medical marijuana research facility" means a facility described in section 1.3 of this act.

Sec. 1.3. 1. The Division shall establish standards for and certify one or more medical marijuana research facilities to perform research relating to the medical use of marijuana, including, without limitation, the possession, cultivation and processing of marijuana, the creation of products containing marijuana and the administration of products containing marijuana to persons who may legally consume such products for scientific study.

2. To obtain certification by the Division as a medical marijuana research facility, an applicant must:

(a) Be certified pursuant to this section.

(b) Apply successfully as required pursuant to NRS 453A.322.

(c) Pay the fees required pursuant to NRS 453A.344.

3. The Division shall establish a scientific review panel composed of persons with the experience, knowledge and ability to evaluate:

(a) A program of research proposed by a proposed medical marijuana research facility;

(b) Revisions to a program of research proposed by a medical marijuana research facility; and

(c) Whether a proposed medical marijuana research facility or medical marijuana research facility, as applicable, has the appropriate personnel, expertise, infrastructure, funding and any necessary approval from the Federal Government, this State or a local government to successfully perform a proposed or revised program of research, as applicable.

4. Before issuing a medical marijuana establishment registration certificate to a medical marijuana research facility, the Division shall:

(a) Require the proposed medical marijuana research facility to submit to the Division a description of the program of research that the proposed medical marijuana research facility intends to conduct and the capacity of the proposed medical marijuana research facility to conduct the proposed program of research; and

(b) If the program of research has not received approval from the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, transmit the information received pursuant to paragraph (a) to the scientific review panel for evaluation.

5. Before a medical marijuana research facility makes any change to its program of research which has not received approval from the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, the medical marijuana research facility must submit to the Division for transmittal to the scientific review panel a description of the revised program of research that the medical marijuana research facility intends to conduct and the capacity of the medical marijuana research facility to conduct the revised program of research.

6. The scientific review panel shall evaluate the information received from the Division pursuant to subsection 4 or 5 as soon as practicable and recommend to the Division whether the program of research should be approved.

7. If the scientific review panel recommends approval of a program of research or a program of research has received approval from the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, the Division may:

(a) Approve the issuance of a medical marijuana establishment registration certificate to the proposed medical marijuana research facility; or

(b) Authorize the medical marijuana research facility to change its program of research.

Sec. 1.4. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, and section 1.2 of this act have the meanings ascribed to them in those sections.

Sec. 1.5. NRS 453A.116 is hereby amended to read as follows:

453A.116 "Medical marijuana establishment" means:

1. An independent testing laboratory;
2. A cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products; ~~for~~
4. A medical marijuana dispensary ~~for~~; or
5. A medical marijuana research facility.

Sec. 1.6. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

↪ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and section 1.3 of this act, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, such a person is not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

- (a) The person who holds the registry identification card was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;
- (b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;
- (c) Because of illness or lack of transportation, the person who holds the registry identification card is unable reasonably to travel to a medical marijuana dispensary; or
- (d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 1.7. NRS 453A.322 is hereby amended to read as follows:

453A.322 1. Each medical marijuana establishment must register with the Division.

2. A person who wishes to operate a medical marijuana establishment must submit to the Division an application on a form prescribed by the Division.

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the Division shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the Division all of the following:

(1) The application fee, as set forth in NRS 453A.344;

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division, or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive ~~in~~, *and section 1.3 of this act*;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the Division for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the Division;

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Division may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the Division shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; ~~and~~

(b) Payment of the renewal fee set forth in NRS 453A.344 ~~to~~; and

(c) If the medical marijuana establishment is a medical marijuana research facility, submission of proof that the program of research, and any changes thereto, in which the medical marijuana research facility is engaged has been approved by the scientific review panel established by the Division pursuant to section 1.3 of this act.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the Division shall consider the criteria of merit set forth in NRS 453A.328.

7. As used in this section, "community facility" means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 1.8. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.
2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.
3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.
4. Failure to pay a fee imposed pursuant to NRS 453A.330.

5. *Engaging in research not approved by the scientific review panel established by the Division pursuant to section 1.3 of this act.*

Sec. 2. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000

For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	\$1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory.	5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory.....	3,000
<u>For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana research facility.....</u>	<u>5,000</u>
<u>For the renewal of a medical marijuana establishment registration certificate for a medical marijuana research facility.....</u>	<u>3,000</u>

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Division:

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the Division in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

- (a) Must be expended first to pay the costs of the Division in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive ~~[(a) and (b)]~~, and section 1.3 of this act;

(b) *May be expended to support programs to provide education and outreach relating to the safe usage of marijuana and to prevent the abuse of marijuana; and*

(c) If any excess revenue remains after paying the costs described in ~~paragraph~~ *paragraphs (a) [(a) and (b)]*, such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 3. NRS 453A.600 is hereby amended to read as follows:

453A.600 1. The University of Nevada School of Medicine shall , *and any other institution of the Nevada System of Higher Education may*, establish a program for the evaluation and research of the medical use of marijuana in the care and treatment of persons who have been diagnosed with a chronic or debilitating medical condition.

2. Before ~~[the School of Medicine]~~ *an institution of the Nevada System of Higher Education* establishes a program pursuant to subsection 1, the ~~[School of Medicine]~~ *institution* shall aggressively seek and must receive approval of the program by the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, to allow the creation of a federally approved research program for the use and distribution of marijuana for medical purposes.

3. A research program established pursuant to this section *by the University of Nevada School of Medicine* must include residents of this state who volunteer to act as participants and subjects, as determined by the School of Medicine.

4. A resident of this state who wishes to serve as a participant and subject in a research program established pursuant to this section *by the University of Nevada School of Medicine* may notify the School of Medicine and may apply to participate by submitting an application on a form prescribed by the Department of Administration of the School of Medicine.

5. The *University of Nevada School of Medicine* shall, on a quarterly basis, report to the Interim Finance Committee with respect to:

(a) The progress made by the School of Medicine in obtaining federal approval for the research program; and

(b) If the research program receives federal approval, the status of, activities of and information received from the research program.

Sec. 4. NRS 453A.610 is hereby amended to read as follows:

453A.610 1. Except as otherwise provided in this section and NRS 239.0115, ~~[the University of Nevada School of Medicine]~~ *an institution of the Nevada System of Higher Education* shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written materials that the ~~[School of Medicine]~~ *institution* creates or receives pursuant to the research program described in NRS 453A.600; or

(b) The name or any other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600.

➤ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, ~~[the School of Medicine]~~ *an institution of the Nevada System of Higher Education* may release the name and other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600 to:

(a) Authorized employees of the State of Nevada as necessary to perform official duties related to the research program; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is a lawful participant in the research program.

Sec. 5. NRS 453A.620 is hereby amended to read as follows:

453A.620 1. ~~1. [The Department of Administration of the University of Nevada School of Medicine]~~ *An institution of the Nevada System of Higher Education* may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of NRS 453A.600.

2. Any money ~~[the Department of Administration]~~ *an institution* receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.630.

Sec. 6. NRS 453A.630 is hereby amended to read as follows:

453A.630 1. Any money ~~[the Department of Administration of the University of Nevada School of Medicine]~~ *an institution of the Nevada System of Higher Education* receives pursuant to NRS 453A.620 or that is appropriated to carry out the provisions of NRS 453A.600:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out the provisions of NRS 453A.600, including the dissemination of information concerning the provisions of that section and such other information as is determined appropriate by the ~~[Department of Administration]~~ *institution*; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The ~~[Department of Administration of the School of Medicine]~~ *institution* shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 7. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the Administrator; ~~and~~

(2) *Programs to provide education and outreach relating to the safe usage of marijuana and to prevent the abuse of marijuana; and*

(3) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 8. ~~[Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A board of county commissioners may enact ordinances relating to zoning and land use and ordinances establishing building requirements of general applicability and require a marijuana establishment or medical marijuana establishment located in its county outside of the limits of incorporated cities and towns to comply with such ordinances.~~

~~2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on marijuana establishments and medical marijuana establishments located in its county outside of the limits of incorporated cities and towns as a:~~

~~(a) Flat fee;~~

~~(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or~~

~~(c) Combination of a flat fee and a percentage of the gross revenue of the marijuana establishment or medical marijuana establishment.~~

~~3. The total amount of a license tax imposed pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, shall not exceed 3 percent of the gross revenue of a marijuana establishment or medical marijuana establishment.~~

~~4. Except as otherwise provided in this section, a board of county commissioners shall not:~~

~~(a) Impose any tax or fee on a medical marijuana establishment operating within the scope of a medical marijuana establishment registration certificate issued pursuant to NRS 453A.320 to 453A.370, inclusive, or a marijuana establishment operating within the scope of a license issued pursuant to chapter 453D of NRS;~~

~~(b) Require a medical marijuana establishment operating within the scope of a medical marijuana establishment registration certificate issued pursuant to NRS 453A.320 to 453A.370, inclusive, or a marijuana establishment operating within the scope of a license issued pursuant to chapter 453D of NRS to obtain from the county any certificate, license or permit to operate within that scope.~~

~~(c) Impose any other requirement upon a marijuana establishment or medical marijuana establishment which is not of general applicability to all businesses within the jurisdiction of the county.~~

~~5. As used in this section:~~

~~(a) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.~~

~~(b) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.} (Deleted by amendment.)~~

Sec. 9. ~~[NRS 244.335 is hereby amended to read as follows:~~

~~244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, and section 8 of this act, a board of county commissioners may:~~

~~—(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.~~

~~—(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.~~

~~—2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.~~

~~—3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.~~

~~—4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:~~

~~—(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~—(b) Practices his or her profession for any type of compensation as an employee.~~

~~—5. The county license board shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:~~

~~—(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or~~

~~—(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.~~

~~—6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:~~

~~—(a) Presents written evidence that:~~

~~—(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or~~

~~—(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or~~

~~—(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).~~

~~—7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:~~

~~—(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:~~

~~—(1) The amount of tax due and the appropriate year;~~

~~—(2) The name of the record owner of the property;~~

~~—(3) A description of the property sufficient for identification; and~~

~~—(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and~~

~~—(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.~~

~~—8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers. (Deleted by amendment.)~~

Sec. 10. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The city council or other governing body of an incorporated city, whether organized under general law or special charter, may enact ordinances relating to zoning and land use and ordinances establishing building requirements of general applicability and require a marijuana establishment or medical marijuana establishment located within its corporate limits to comply with such ordinances.~~

~~2. Except as otherwise provided in subsection 3, the city council or other governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits as a:~~

~~(a) Flat fee;~~

~~(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or~~

~~(c) Combination of a flat fee and a percentage of the gross revenue of the marijuana establishment or medical marijuana establishment.~~

~~3. The total amount of a license tax imposed pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, shall not exceed 3 percent of the gross revenue of a marijuana establishment or medical marijuana establishment.~~

~~4. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not:~~

~~(a) Impose any tax or fee on a medical marijuana establishment operating within the scope of a medical marijuana establishment registration certificate issued pursuant to NRS 453A.320 to 453A.370, inclusive, or a marijuana establishment operating within the scope of a license issued pursuant to chapter 453D of NRS.~~

~~(b) Require a medical marijuana establishment operating within the scope of a medical marijuana establishment registration certificate issued pursuant to NRS 453A.320 to 453A.370, inclusive, or a marijuana establishment operating within the scope of a license issued pursuant to chapter 453D of NRS to obtain from the incorporated city any certificate, license or permit to operate within that scope.~~

~~(c) Impose any other requirement upon a marijuana establishment or medical marijuana establishment which is not of general applicability to all businesses within the jurisdiction of the incorporated city.~~

~~5. As used in this section:~~

~~(a) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.~~

~~(b) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 268.095 is hereby amended to read as follows:~~

~~268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, and section 10 of this act, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:~~

~~—(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits;~~

~~—(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county;~~

~~—(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;~~

~~—(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;~~

~~—(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;~~

~~—(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;~~

~~—(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and~~

~~—(6) For constructing, purchasing or otherwise acquiring such recreational facilities;~~

~~—(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State;~~

~~—(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging;~~

~~—(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;~~

~~—(2) For the expense of operating or maintaining, or both, any facilities of the city; and~~

~~—(3) For any other purpose for which other money of the city may be used.~~

~~2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.~~

~~3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.~~

~~4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:~~

~~(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~(b) Practices his or her profession for any type of compensation as an employee.~~

~~5. The city licensing agency shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:~~

~~(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or~~

~~(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.~~

~~6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:~~

~~(a) Presents written evidence that:~~

~~(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or~~

~~(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or~~

~~(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).~~

~~7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:~~

~~(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:~~

~~(1) The amount of tax due and the appropriate year;~~

~~(2) The name of the record owner of the property;~~

~~(3) A description of the property sufficient for identification; and~~

~~—(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and~~

~~—(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.~~

~~—8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.~~

~~—9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.} (Deleted by amendment.)~~

Sec. 12. This act becomes effective on July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 328 to Senate Bill No. 341 deletes all provisions of the bill that addressed issues other than the establishment and regulation of medical-marijuana research facilities; and adds new provisions providing for the establishment and regulation of these facilities under the authority of the scientific review panel of the Division of Public and Behavioral Health of the Department of Health and Human Services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 367.

SUMMARY—Revises provisions governing the trapping or taking of certain animals. (BDR 45-107)

AN ACT relating to wildlife; amending the definition of "trap" to exclude certain devices; requiring the Department of Wildlife to develop standard language for certain signs required to be posted in areas in which trapping may occur; requiring ~~the registration of~~ , with limited exception, each trap, snare or similar device used by a person in the taking of wild animals ~~to require each registered trap to be marked in a certain manner;~~ which is not registered with the Department, to bear the name and address of the owner; revising the fee to register a trap, snare or similar device; deleting provisions which declare that any information in the possession of the Department ~~of Wildlife~~ concerning the registration of a trap, snare or similar device is confidential; ~~requiring the owner or occupant of private property who uses an unregistered trap, snare or similar device on the private property to register the trap, snare or similar device under certain circumstances;~~ authorizing a person to remove or disturb a trap, snare or similar device under certain circumstances; requiring a person who takes or causes to be taken any wild mammals by means of a trap, snare or similar device to visit or cause to be visited the trap, snare or similar device at least once every ~~24~~ 96 hours; revoking the authority of the Board of Wildlife Commissioners to establish regulations setting forth the frequency a trap, snare or similar device must be visited; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "trap" for purposes of title 45 of NRS governing wildlife to mean a device that is designed, built or made to close upon or hold fast any portion of an animal. (NRS 501.089) Section 1 of this bill specifies that the term does not include: (1) any cage or box trap, net or suitcase-type live beaver trap; or (2) any device that is designed, built or made to close upon or hold fast certain vertebrate pests, such as mice and rats.

Existing law defines the terms "to trap," "trapping" and "trapped" for purposes of title 45 of NRS governing wildlife to mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wildlife and every act of assistance to any person in so doing. (NRS 501.090) Existing law defines the term "wildlife" to mean any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. (NRS 501.097) Section 2 of this bill amends the definition of the words "to trap," "trapping" and "trapped" to delete the term "wildlife" and substitute the term "animal."

Section 3 of this bill requires the Department of Wildlife to develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area of this State. Section 3 also requires each state agency which manages any public land in this State in which trapping may occur to ensure that each sign: (1) includes any standard language developed by the Department; and (2) is posted in certain locations specified by the Department.

Existing law authorizes each trap, snare or similar device used by a person in the taking of wild mammals to be registered with the Department of Wildlife before it is used. Existing law also requires each registered trap, snare or similar device to bear a number which is assigned by the Department. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential. (NRS 503.452) Section 5 of this bill requires ~~[, rather than authorizes, the registration of]~~, with limited exception, that a trap, snare or similar device used by a person in the taking of wild mammals ~~[,] that is not registered with the Department must bear the name and address of the person who owns the trap, snare or similar device.~~ Section 5 also: (1) requires the number assigned by the Department for a registered trap, snare or similar device or the name and address of the person who owns an unregistered trap, snare or similar device to be clearly stamped on the trap, snare or similar device or on a metal tag which is attached to the trap, snare or similar device; and (2) deletes the provisions of existing law which declare that any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential. ~~[, and (3) requires an owner or occupant of certain private property who uses an unregistered trap, snare or similar device on the private property to register the trap, snare or similar device before using it on any public land in this State.]~~ Section 5 further revises the fee to register a trap, snare or similar device from \$10 per person who registers a trap to \$5 per trap, snare or similar device. Section 8 of this bill makes a conforming change.

Existing law makes it unlawful to remove or disturb the trap, snare or similar device of a holder of a trapping license while the trap, snare or similar device is being legally used by the holder. (NRS 503.454) Section 6 of this bill authorizes a person to remove or disturb the trap, snare or similar device ~~[under certain conditions which create a]~~ if it creates an immediate risk ~~[to the safety of the public; or]~~ of physical injury or death to a person or animal and release any person or animal accompanying the person from a trap, snare or similar device in which the person or animal is caught. Section 4 of this bill makes a conforming change.

Existing law requires a person who takes or causes to be taken any wild mammals by means of a trap, snare or similar device which does not, or is not designed to, cause immediate death to the mammals to visit the trap, snare or similar device at a frequency specified in regulations adopted by the Board of Wildlife Commissioners. (NRS 503.570) Section 7 of this bill requires a person who takes or causes to be taken any wild mammals by means of any trap, snare or similar device, regardless of whether the trap, snare or similar device causes immediate death to the mammals, to visit the trap, snare or similar device at least once every ~~[24]~~ 96 hours. Section 7 also eliminates the authority of the Board of Wildlife Commissioners to establish regulations setting forth the frequency at which a person must visit a trap, snare or similar

device. Section 8.5 of this bill provides that until the Legislature acts to change the frequency by which a person must visit a trap, snare or similar device, the regulation established by the Board of Wildlife Commissioners as it exists on July 1, 2017, shall remain in effect. (NAC 503.152)

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

Section 1. NRS 501.089 is hereby amended to read as follows:

501.089 "Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal. *The term does not include:*

1. *Any cage or box trap, net or suitcase-type live beaver trap; or*
2. *Any device that is designed, built or made to close upon or hold fast any vertebrate pest as defined in NRS 555.005.*

Sec. 2. NRS 501.090 is hereby amended to read as follows:

501.090 The words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~[wildlife]~~ animal and every act of assistance to any person in so doing.

Sec. 3. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each state agency which manages any public land in this State in which trapping may occur shall ensure that each sign for which the Department develops standard language pursuant to subsection 2 includes that language and is posted:*

(a) *At each visitor center, kiosk, trailhead or other location specified by the Department; and*

(b) *In a place in which the sign is readily observable by members of the public at the visitor center, kiosk, trailhead or other location.*

2. *The Department shall:*

(a) *Develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area in this State; and*

(b) *Develop the standard language specified in paragraph (a) in cooperation with each federal or state agency which manages any public land in this State in which trapping may occur.*

Sec. 4. NRS 503.015 is hereby amended to read as follows:

503.015 1. ~~{H}~~ *Except as otherwise provided in NRS 503.454, it is unlawful for a person, or a group of people acting together, to intentionally interfere with another person who is lawfully hunting or trapping. For the purpose of this subsection, hunting or trapping is "lawful" only if permitted by the owner or person in possession of the land, other than the government, in addition to any requirement of license or permit from a public authority.*

2. *The provisions of subsection 1 do not apply to any incidental interference arising from lawful activity by users of the public land, including without limitation ranchers, miners or persons seeking lawful recreation.*

Sec. 5. NRS 503.452 is hereby amended to read as follows:

503.452 1. Except as otherwise provided in ~~[subsection 2,]~~ subsections 2 and 3, each trap, snare or similar device used by a person in the taking of wild mammals ~~[may]~~ must be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is ~~[affixed to or marked]~~ clearly stamped on the trap, snare or similar device ~~[in the manner specified by regulations adopted by the Commission.]~~ or on a metal tag that is attached to the trap, snare or similar device. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred. For each trap, snare or similar device registered with the Department, the person registering the trap, snare or similar device must pay a registration fee of \$5.

2. Except as otherwise provided in subsection 3, if a trap, snare or similar device is not registered with the Department pursuant to subsection 1, before it can be used in the taking of wild animals, it must have the name and address of the person who owns the trap, snare or similar device:

(a) Clearly stamped upon the trap, snare or similar device; or

(b) On a metal tag that is attached to the trap, snare or similar device.

3. ~~The provisions of [subsection] subsections 1 and 2 do not apply to a trap, snare or similar device used:~~

(a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;

(b) For the control of rodents by an institution of the Nevada System of Higher Education;

(c) By any federal, state or local governmental agency; or

(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

~~3. [A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.]~~

~~4.] It is unlawful:~~

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

~~[5.]~~ 4. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~[6. Any information in the possession of the Department concerning the registration of a]~~

5. ~~If [an owner or occupant of private property uses an unregistered] a~~ trap, snare or similar device ~~[is confidential and the Department shall not disclose that information unless required to do so by law or court order.]~~ has been used exclusively on [the] private property pursuant to paragraph (a) of subsection [2, the owner or occupant of the private property shall register the trap, snare or similar device] 3, before [using] the trap, snare or similar device is used on any public land in this State [4], the owner of the trap, snare or similar device must:

- (a) Register the trap, snare or similar device pursuant to subsection 1; or
- (b) Pursuant to subsection 2, have his or her name and address:
 - (1) Clearly stamped on the trap, snare or similar device; or
 - (2) On a metal tag that is attached to the trap, snare or similar device.

Sec. 6. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by trap, snare or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. ~~[H] Except as otherwise provided in subsection 3, it is unlawful to remove or disturb the trap, snare or similar device of any holder of a trapping license while the trap, snare or similar device is being legally used by the holder on public land or on land where the holder has permission to trap.~~

3. A person may:

(a) Remove or disturb a trap, snare or similar device if the trap, snare or similar device creates ~~[a]~~

~~— (1) An immediate risk of physical injury or death to any person or animal accompanying a person. [1; or~~

~~— (2) A risk to the safety of the public.]~~

(b) Release any person or animal accompanying a person from a trap, snare or similar device in which the person or animal is caught.

Sec. 7. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or similar devices ~~[which do not, or are not designed to, cause immediate death to the mammals, shall, if the traps, snares or similar devices are placed or set to take mammals,] shall visit or cause to be visited each trap, snare or similar device [at a frequency specified in regulations adopted by the Commission pursuant to subsection 3] at least once every [24] 96 hours beginning at and during all of the time the trap, snare or similar device is placed, set or used to take wild mammals, and remove therefrom any [mammals] animal caught therein.~~

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission ~~[shall]~~ *may not adopt* regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices ~~[which do not, or are not designed to, cause immediate death to the mammals]~~ must visit a trap, snare or similar device. ~~[The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.]~~

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280,

432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, ~~503.452,~~ 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the

governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 8.5. 1. Until the Legislature amends NRS 503.570 to change the frequency a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices is required visit a trap, snare or similar device, the regulation adopted by the Board of Wildlife Commissioners pursuant to NRS 503.570 as it exists on July 1, 2017, setting forth the frequency a person must visit a trap, snare or similar device shall remain in effect.

2. The text of the regulation which shall remain in effect pursuant to subsection 1 is codified as NAC 503.152 and is as follows:

A person who is required pursuant to NRS 503.570 to visit or cause to be visited a trap, snare or similar device shall ensure that the trap, snare or similar device is visited:

1. At least once every other calendar day in the following units for wildlife, as designated in NAC 504.210, or portions of those units specified in this subsection other than any private property located within those units or if a box or cage trap is used:

(a) All of Unit 194;

(b) The following portions of Unit 195:

(1) West of Lagomarsino Canyon-Lousetown Road from its intersection with Interstate Highway No. 80 to its intersection with State Route No. 341; and

(2) West of State Route No. 341 from its intersection with Lousetown Road to its intersection with U.S. Highway No. 50;

(c) All of Unit 196; and

(d) The portion within the Clark County Illegal Firearms Discharge Area created by the Clark County Geographic Information Systems Management Office on September 11, 2013;

2. At least once each 96 hours in all other units for wildlife, as designated in NAC 504.210, or portions of those units not specified in subsection 1, including any private property located within those units;

3. At least once each 96 hours if a box or cage trap is used;

4. By a person who is a holder of a trapping license issued by the Department; and

5. In a manner which ensures that any mammal caught in the trap, snare or similar device is removed from the trap, snare or similar device.

Sec. 9. This act becomes effective on July 1, 2017.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 367 to Senate Bill No. 364 provides that for each trap, snare or similar device registered with the Department of Wildlife, the registrant must pay a fee of \$5 per trap; with limited exception, any trap not registered with the Department must have the name and address of the owner clearly stamped on the trap or on a metal tag attached to the trap; each trap must be visited at least once every 96 hours for removal of any animal and the Board of Wildlife Commissioners may not adopt regulations setting forth trap-visitation frequency, but that until the Legislature changes the frequency of required trap-visitation, the regulation adopted by the Commission, as it exists on July 1, 2017, shall remain in effect.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 502.

SUMMARY—Revises provisions relating to public schools.
(BDR 34-971)

AN ACT relating to education; requiring the board of trustees of certain larger school districts to establish a program of professional development to provide training on how to work collaboratively to ensure that a school environment is productive and collaborative; requiring teachers and principals to receive such training ~~[at the request of the superintendent of the school district or principal of a school]~~ in certain circumstances; requiring the board of trustees of certain school districts to conduct an investigation at a school ~~[upon the petition of a certain number of employees, parents or legal guardians of pupils enrolled at the school]~~ in certain circumstances to determine engagement of parents and families of pupils and whether the culture of the school is focused on pupil outcomes; requiring the board of trustees of certain school districts to provide certain training to members of the staff at a school in which an investigation occurs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to ensure that teachers and administrators employed by the school district have access to high-quality, ongoing professional development training. (NRS 391A.370) Section 2 of this bill requires the board of trustees of a school district in which more than 75,000 pupils are enrolled (currently the Clark County School District) to establish a program of professional development to provide training to teachers and principals on how to engage and work collaboratively with members of the staff of the school and the parents and families of pupils enrolled at the school to ensure that the school environment is productive and

collaborative. Section 2 also requires principals and teachers to receive such training at the request of the superintendent of the school district or the principal of the school.

Section 3 of this bill requires the board of trustees of a school district in which more than 75,000 pupils are enrolled, upon petition of a certain percentage of employees of the school or parents or legal guardians of pupils who are enrolled in the school ~~or~~ or upon the affirmative vote of a majority of the members of an organizational team if such a team has been established for a school as part of the reorganization of the school district, to investigate whether: (1) certain employees at a school are effectively engaging the parents and families of pupils who are enrolled in the school; and (2) the culture of the school is focused on pupil outcomes. Section 3 also requires the board of trustees of a school district that conducts such an investigation to provide any necessary and appropriate training to members of the staff of the school to ensure that parents and families of pupils enrolled in the school are effectively engaged in the education of their children and that the culture at the school is focused on pupil outcomes. Finally, section 3 makes the provisions of that section inapplicable to a turnaround school until after the first year in which the school operates under that designation.

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

Section 1. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *In each school district in which more than 75,000 pupils are enrolled, the board of trustees of the school district shall establish a program of professional development to provide training for teachers and principals on how to engage and work collaboratively with each other, other educational personnel, members of the staff of the school and the parents and families of pupils who are enrolled in the school to ensure that the school environment is productive and that such persons are working collaboratively.*

2. *Teachers and principals must receive the training described in subsection 1 at the request of the superintendent of schools of the school district or the principal of the school.*

Sec. 3. 1. ~~Upon the~~ Except as otherwise provided in subsection 4, the board of trustees of a school district in which more than 75,000 pupils are enrolled shall conduct an investigation described in subsection 2 upon:

(a) The petition of at least 50 percent ~~for more~~ of the licensed employees and classified employees assigned to a school ~~for~~ ;

(b) The petition ~~5 percent or more~~ of ~~the~~ parents ~~for~~ and legal guardians of pupils who are enrolled in a school ~~, the board of trustees of a school district in which more than 75,000 pupils are enrolled shall~~ which is signed by a number of parents and legal guardians representing at least 5 percent of the number of the average daily enrollment of pupils for the school that was most recently reported pursuant to NRS 387.1223; or

(c) The affirmative vote of a majority of the members of an organizational team, if the principal of a school within the school district has established such a team as part of the reorganization of the school district in which the school is located to assist in the development of a plan of operation for the school or to provide other assistance and advice relating to the school.

2. An investigation conducted pursuant to subsection 1, must investigate whether:

(a) Teachers, principals and other members of the staff at the school are effectively engaging the parents and families of pupils who are enrolled in the school in the education of their children; and

(b) The culture at the school is focused on pupil outcomes.

~~2-2~~ 3. The board of trustees of the school district shall provide any necessary and appropriate training for teachers, principals, other educational personnel and members of the staff at the school to ensure that parents and families of pupils who are enrolled in the school are effectively engaged in the education of their children and that the culture at the school is focused on pupil outcomes.

4. The provisions of this section do not apply to a school that has been designated as a turnaround school pursuant to NRS 388G.400 until after the first school year in which it has operated under such a designation.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 502 to Senate Bill No. 369 delays the petition process by one year for any school just entering turnaround status; allows a School Organizational Team to also trigger an investigation; and adds a consistent, Statewide procedure for calculating the 5-percent threshold for parents at a school.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 299.

SUMMARY—Authorizes agreements between the Governor and Indian tribes in this State relating to the regulation of the use of marijuana. (BDR ~~(40-321)~~ 18-321)

AN ACT relating to ~~the medical use of~~ marijuana; authorizing the Governor or his or her designee to enter into agreements with Indian tribes in this State relating to the regulation of the use of marijuana; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States Constitution reserves the power to regulate commerce with tribal governments to the United States Congress. (U.S. Const., Art. I, § 8) Congress has delegated limited authority relating to Indian tribes to the states, authorizing certain states to exercise broad criminal jurisdiction and limited civil jurisdiction over tribal lands within those states. (Pub. Law No. 83-280, 25 U.S.C. §§ 1321-1326; NRS 41.430) Subsequent decisions of the United States Supreme Court have clarified that this grant of jurisdiction to the states allows for jurisdiction over criminal matters and over private civil litigation, but not for the enforcement of general civil regulatory power on tribal lands. (*California v. Cabazon Band of Indians*, 480 U.S. 202 (1987) *superseded by statute in part*, Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et seq., *as recognized in U.S. v. E.C. Investments, Inc.*, 77 F.3d 327, 330 (9th Cir. 1996))

Existing law exempts a person who holds a valid registry identification card, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for the possession, delivery, production, processing and use of marijuana and provides for the registration and regulation of medical marijuana establishments. (NRS 453A.200, 453A.320-453A.370) ~~(Sections 1 and 2 of this bill)~~ Existing law also generally prohibits prosecution of a person who possesses one ounce or less of marijuana or one-eighth of an ounce or less of concentrated marijuana or who holds a license as a marijuana establishment and engages in activities relating to marijuana which comply with state law. (NRS 453D.110, 453D.120) This bill ~~authorize~~ authorizes the Governor or his or her designee to enter into agreements with tribal governments within this State to facilitate cooperation in the implementation of state laws and tribal laws governing the ~~medical~~ use of marijuana. ~~[Section 3 of this bill authorizes the Governor, on or after January 1, 2020, to enter into similar agreements relating to laws governing the adult, nonmedical use of marijuana.]~~

WHEREAS, Existing law in this State creates a limited exemption from state prosecution for persons who engage in the medical use of marijuana or who cultivate, produce or sell marijuana for medical use pursuant to a comprehensive program for the regulation of the medical use of marijuana; and

WHEREAS, Because states do not generally have regulatory power over tribal governments, the tribal governments within this State are not generally bound by the comprehensive program for the regulation of the medical use of marijuana created by the Nevada Legislature and may, subject to federal law, choose to create their own laws relating to the medical use of marijuana on tribal land; and

WHEREAS, A memorandum issued on August 29, 2013, by the Deputy Attorney General of the United States, James M. Cole, hereinafter referred to as the "Cole Memo," outlined eight priorities for federal law enforcement relating to marijuana and indicated that the Department of Justice will not

devote law enforcement resources to prosecuting persons or businesses who comply with state or local laws relating to marijuana so long as those laws do not contradict the priorities outlined in the Cole Memo and are strongly enforced; and

WHEREAS, A subsequent memorandum issued on October 28, 2014, by Monty Wilkinson, the Director of the Executive Office for United States Attorneys of the United States Department of Justice, hereinafter referred to as the "Wilkinson Memo," provided that the enforcement priorities outlined in the Cole Memo will also guide enforcement efforts on tribal lands; and

WHEREAS, Tribal governments have begun to implement the guidance contained in the Cole Memo and the Wilkinson Memo to adopt their own programs for the regulation of marijuana on tribal lands, creating the potential for conflicts with the ~~program for the medical~~ provisions governing the use of marijuana created by the Nevada Legislature which may threaten public health and safety and create uncertainty for businesses operating in this State; and

WHEREAS, The State of Washington, when confronted with similar issues regarding the regulation of marijuana, created a successful system for cooperation with the tribal governments in its state by authorizing its Governor to enter into agreements with tribal governments to address issues involving both state and tribal interests or affecting state-tribal relations; and

WHEREAS, A similar system in this State would mitigate threats to public health and safety posed by potential conflicts between state and tribal laws relating to marijuana and bolster commerce by reducing uncertainty and allowing for the more efficient conduct of business in this State and on tribal lands; now, therefore,

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

Section 1. Chapter ~~453A~~ 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Governor or his or her designee may enter into one or more agreements with tribal governments in this State to efficiently coordinate the cross-jurisdictional administration of the laws of this State and the laws of tribal governments relating to the ~~medical~~ use of marijuana. Such an agreement may include, without limitation, provisions relating to:*

- (a) Criminal and civil law enforcement;*
- (b) Regulatory issues relating to the possession, delivery, production, processing or use of marijuana, edible marijuana products, ~~and~~ marijuana-infused products, ~~and~~ and marijuana products;*
- (c) Medical and pharmaceutical research involving marijuana;*
- (d) The administration of laws relating to taxation;*
- (e) Any immunity, preemption or conflict of law relating to the possession, delivery, production, processing, transportation or use of marijuana, edible marijuana products, ~~and~~ marijuana-infused products, ~~and~~ and marijuana products; and*

(f) The resolution of any disputes between a tribal government and this State, which may include, without limitation, the use of mediation or other nonjudicial processes.

2. An agreement entered into pursuant to this section must:

(a) Provide for the preservation of public health and safety;

(b) Ensure the security of medical marijuana establishments and marijuana establishments and the corresponding facilities on tribal land; and

(c) Establish provisions regulating business involving marijuana which passes between tribal land and non-tribal land in this State.

3. As used in this section ~~["tribal"]~~:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Marijuana" has the meaning ascribed to it in NRS 453.096.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(e) "Marijuana product" has the meaning ascribed to it in NRS 453D.030.

(f) "Tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.13, inclusive.

Sec. 2. ~~NRS 453A.200 is hereby amended to read as follows:~~

~~453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:~~

~~(a) Possession, delivery or production of marijuana;~~

~~(b) Possession or delivery of paraphernalia;~~

~~(c) Aiding and abetting another in the possession, delivery or production of marijuana;~~

~~(d) Aiding and abetting another in the possession or delivery of paraphernalia;~~

~~(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and~~

~~(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.~~

~~2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.~~

~~3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:~~

~~—(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and~~

~~—(b) Do not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:~~

~~—(1) Two and one-half ounces of usable marijuana in any one 14-day period;~~

~~—(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and~~

~~—(3) A maximum allowable quantity of edible marijuana products and marijuana infused products as established by regulation of the Division.~~

~~— The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.~~

~~— 4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:~~

~~—(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.~~

~~—(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.~~

~~— 5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and section 1 of this act, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:~~

~~—(a) Possession, delivery or production of marijuana;~~

~~—(b) Possession or delivery of paraphernalia;~~

~~—(c) Aiding and abetting another in the possession, delivery or production of marijuana;~~

~~—(d) Aiding and abetting another in the possession or delivery of paraphernalia;~~

~~—(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and~~

~~—(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.~~

~~— 6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, such a person is~~

~~not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:~~

~~— (a) The person who holds the registry identification card was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;~~

~~— (b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;~~

~~— (c) Because of illness or lack of transportation, the person who holds the registry identification card is unable reasonably to travel to a medical marijuana dispensary; or~~

~~— (d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.~~

~~7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana infused products.} (Deleted by amendment.)~~

~~Sec. 3. [Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Governor or his or her designee may enter into one or more agreements with tribal governments in this State to efficiently coordinate the cross jurisdictional administration of the laws of this State and the laws of tribal governments relating to the adult use of marijuana not for medical purposes. Such an agreement may include, without limitation, provisions relating to:~~

~~— (a) Criminal and civil law enforcement;~~

~~— (b) Regulatory issues relating to the possession, delivery, production, processing or use of marijuana and marijuana products;~~

~~— (c) The administration of laws relating to taxation;~~

~~— (d) Any immunity, preemption or conflict of law relating to the possession, delivery, production, processing or use of marijuana and marijuana products; and~~

~~— (e) The resolution of any disputes between a tribal government and this State, which may include, without limitation, the use of mediation or other nonjudicial processes.~~

~~2. An agreement entered into pursuant to this section must:~~

~~— (a) Provide for the preservation of public health and safety;~~

~~— (b) Ensure the security of marijuana establishments and the corresponding facilities on tribal land; and~~

~~— (c) Establish provisions regulating business involving marijuana which passes between tribal land and nontribal land in this State.~~

~~3. As used in this section, "tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.13, inclusive.} (Deleted by amendment.)~~

Sec. 4. ~~[1.] This [section and sections 1 and 2 of this] act [become]~~
becomes effective upon passage and approval.

~~[2. Section 3 of this act becomes effective on January 1, 2020.]~~

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 299 to Senate Bill No. 375 deletes section 2 of the bill relating to future agreements between the Governor and Indian Tribes regarding recreational marijuana. It also deletes references throughout the bill to medical marijuana, thereby making the bill's provisions applicable to marijuana generally, and revises section 1 of the bill to include several necessary definitions and move the provisions of the bill to chapter 223 of NRS.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 503.

SUMMARY—Revises provisions relating to progressive discipline and on-site review of disciplinary decisions. (BDR 34-1137)

AN ACT relating to education; revising provisions governing the plan required of each public school for the progressive discipline and on-site review of disciplinary decisions; requiring each principal to establish a committee to review the temporary alternative placements of certain pupils by a certain date each school year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of each public school to establish a plan to provide for the progressive discipline of pupils and the on-site review of disciplinary decisions. Existing law prescribes the criteria for such a plan, including a requirement that the plan provide for the temporary removal of a pupil from a classroom. (NRS 392.4644) Section 6 of this bill requires a plan to provide for the progressive discipline of pupils to ~~additionally provide for the temporary exclusion of a pupil from any~~ include a policy for school transportation. ~~[provided by a school district or public school.]~~ Section 6 also prohibits a pupil from being removed or otherwise excluded from school transportation during the same trip in which the pupil engaged in behavior ~~[forming the basis for the temporary exclusion.]~~ which violates such a policy.

Section 9 of this bill requires a plan for the progressive discipline of pupils to additionally provide for the temporary removal of a pupil from the other premises of a public school.

Existing law requires the principal of each public school to establish a committee to review the temporary alternative placement of pupils. (NRS 392.4647) Section 9 requires: (1) the plan to include the names of each member of such a committee; and (2) the principal of each public school to distribute a copy of the plan to each teacher and all educational personnel and support personnel who are employed at the school. Section 12 of this bill requires such committee to be established on or before September 15 of each

school year ~~for~~ and includes a staff member on the committee. Section 13 of this bill requires the committee to be convened if the teacher or other staff member who removed a pupil disagrees with a decision of the principal relating to the placement of the pupil.

Existing law provides for the temporary removal of a pupil from a classroom if, in the judgment of the teacher of the classroom, the pupil has engaged in certain behavior. Existing law also requires a pupil who is removed from a classroom to be assigned to a temporary alternative placement. (NRS 392.4645) Section 10 of this bill additionally provides for the temporary removal of a pupil from the other premises of a public school if, in the judgement of the staff member responsible for such premises, the pupil engages in certain behavior. Section 10 also requires a pupil who is removed from any other premises of a public school to be assigned to a temporary alternative placement.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Other premises of a public school" means any portion of the premises of a public school, including, without limitation, a dining hall, lunch room, gymnasium, stadium, outdoor sports field or court, dormitory, theater or technological center. The term does not include a classroom.*

Sec. 3. *"Principal" means the principal of a school or the principal's designee.*

Sec. 4. *"School transportation" means a vehicle used by a school district or public school for the transportation of pupils to or from school or any activity that is part of a program of a public school, including, without limitation, a school bus, van or automobile.*

Sec. 5. *"Staff member" means a person employed by a school district or public school to supervise any other premises of a public school, an activity that is part of a program of a public school or the transportation provided to pupils by the school district or public school.*

Sec. 6. 1. The board of trustees of each school district shall adopt a policy for school transportation which includes, without limitation:

(a) Rules regarding the conduct of pupils on school transportation;

(b) Responsibilities for the driver of school transportation and any other staff member on school transportation;

(c) Responsibilities for the principal of a public school relating to school transportation; and

(d) A process for progressive discipline on school transportation which establishes discipline on the basis of the category and number of offenses committed by a pupil. The process for progressive discipline must include, without limitation, provisions relating to notification of the parent or legal guardian of a pupil, a conference involving the pupil, driver and principal and

the exclusion of a pupil from school transportation for severe or repeated offenses by the pupil.

2. The plan established pursuant to NRS 392.4644 must ~~provide for the temporary exclusion of a pupil from school transportation provided by a school district or public school, if, in the judgment of the staff member responsible for the school transportation, the pupil has engaged in behavior that threatens his or her safety or the safety of other pupils or employees or volunteers of the school district or school, or interferes with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the exclusion of the pupil from school transportation, the principal of the school in which the pupil is enrolled shall provide an explanation of the reason for the removal or exclusion of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the exclusion of the pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of his or her exclusion from school transportation.~~

~~2.~~ include the policy for school transportation adopted by the board of trustees of the school district in which the public school is located pursuant to subsection 1.

3. A pupil must not be removed or otherwise excluded from school transportation provided by a school district or public school during the same trip in which the pupil has engaged in behavior which ~~would form the basis for temporary exclusion~~ violates the policy for school transportation adopted pursuant to subsection 1.

Sec. 7. NRS 392.4642 is hereby amended to read as follows:

392.4642 As used in NRS 392.4642 to 392.4648, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, ~~["principal" means the principal of a school or the principal's designee.]~~ the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 392.4643 is hereby amended to read as follows:

392.4643 An action must not be taken pursuant to the provisions of NRS 392.4642 to 392.4648, inclusive, and sections 2 to 6, inclusive, of this act against a pupil with a disability who is participating in a program of special education pursuant to NRS 388.417 to 388.469, inclusive, unless the action complies with:

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;

4. Any other federal law applicable to children with disabilities; and

5. The procedural policy adopted by the board of trustees of the school district for such matters.

Sec. 9. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

~~(e) Provide for the temporary exclusion of a pupil from school transportation in accordance with section 6 of this act.~~

~~(f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.~~

2. On or before ~~October 1~~ September 15 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; ~~and~~

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school ~~;~~ ;

(d) Distribute to each teacher and all educational support personnel who are employed at the school a written or electronic copy of the plan or the revised plan, as applicable; and

(e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.

3. On or before October ~~1~~ 15 of each year, ~~the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year,~~ the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November ~~30~~ 15 of each year, the board of trustees of each school district shall submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to

subsection 3 that reports the progress of each school within the district in complying with the requirements of this section.

5. On or before December ~~31~~ 15 of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during:

(a) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature.

(b) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the Legislative Committee on Education.

Sec. 10. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom *or other premises of a public school* if, in the judgment of the teacher ~~or other staff member responsible for the classroom or other premises, as applicable,~~ the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn ~~or with the ability of the staff member to discharge his or her duties.~~ The plan must provide that, upon the removal of a pupil from a classroom *or any other premises of a public school* pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom *or any other premises of a public school* pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies *or remains* under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➡ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the

provisions of NRS 392.4642 to 392.4648, inclusive, *and sections 2 to 6, inclusive, of this act*, do not apply to the pupil.

Sec. 11. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom *or any other premises of a public school* ~~for temporarily excluded from school transportation~~ pursuant to NRS 392.4645 ~~, for section 6 of this act, as applicable,~~ a conference must be held with:

- (a) The pupil;
 - (b) A parent or legal guardian of the pupil;
 - (c) The principal of the school; and
 - (d) The teacher *or other staff member* who removed the pupil ~~, for made the decision to temporarily exclude the pupil from school transportation,~~
- ↪ The principal shall give an oral or written notice of the conference, as appropriate, to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal ~~for temporary exclusion~~ of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom *or other premises of the public school* from which the pupil was removed ~~for be allowed to use the school transportation from which the pupil was excluded~~ before the conference is held. If the conference is not held within 3 school days after the removal ~~for temporary exclusion~~ of the pupil, the pupil must be allowed to return to the classroom *or other premises* ~~for use school transportation~~ unless:

- (a) The parent or legal guardian of the pupil refuses to attend the conference;
- (b) The failure to hold a conference is attributed to the action or inaction of the pupil or the parent or legal guardian of the pupil; or
- (c) The parent or legal guardian requested that the date of the conference be postponed.

5. During the conference, the teacher who removed the pupil from the classroom, *the staff member who removed the pupil from the other premises of the public school* ~~for excluded the pupil from school transportation~~ or the principal shall provide the pupil and the pupil's parent or legal guardian with

an explanation of the reason for the removal of the pupil from the classroom ~~[] or other premises~~, ~~for the exclusion of the pupil from school transportation~~. The pupil and the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom ~~or other premises~~ ~~for the exclusion of the pupil from school transportation~~ was appropriate in their opinion based upon the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom ~~[] or other premises of a public school~~, ~~for the exclusion of the pupil from school transportation~~, the principal shall recommend whether to return the pupil to the classroom ~~or other premises~~ ~~for~~ ~~allow the pupil to use school transportation, as applicable~~, or continue the temporary alternative placement of the pupil ~~[] if the pupil has been assigned to a temporary alternative placement.~~

Sec. 12. NRS 392.4647 is hereby amended to read as follows:

392.4647 1. ~~The~~ *On or before September 15 of each school year, the principal of each public school shall establish at least one committee to review the temporary alternative placement of pupils. A committee established pursuant to this section must consist of the principal, ~~and~~ two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school ~~[] and one staff member who is selected for membership by a majority of the staff members who are employed at the school.~~ One additional teacher and one additional staff member must be selected in the same manner to serve as an alternate member. A teacher or staff member who has served on the committee for 2 consecutive years or more is not eligible to be selected for membership.*

2. If a pupil is removed from the classroom ~~or other premises of a public school~~ ~~for excluded from school transportation~~ pursuant to NRS 392.4645 by a teacher or staff member who is a member of a committee established pursuant to this section, the teacher or staff member shall not participate in the review of the placement of the pupil and the appropriate alternate member shall serve on the committee for that review.

Sec. 13. NRS 392.4648 is hereby amended to read as follows:

392.4648 1. ~~If [] in accordance with subsection 6 of NRS 392.4646, the principal recommends that a pupil be returned to the classroom or other premises of the public school from which the pupil was removed or allowed to use school transportation and~~ the teacher or other staff member who removed ~~for excluded the~~ a pupil from the classroom or other premises of a public school does not agree with the recommendation ~~[] of the principal pursuant to subsection 6 of NRS 392.4646,~~ the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to NRS 392.4647. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the

pupil's removal from the classroom *or other premises of the public school* ~~for exclusion from school transportation~~ and the pupil's behavior that caused the pupil to be removed from the classroom ~~[-] or other premises~~ ~~for exclusion from school transportation~~. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

~~[1.]~~ (a) Direct that the pupil be returned to the classroom *or other premises* from which he or she was removed;

~~[2.]~~ (b) Assign the pupil to another appropriate classroom ~~[-] or other premises~~;

~~[3.] Allow the pupil to use school transportation;~~

~~4.]~~ (c) Assign the pupil to an alternative program of education, if available;

~~[4.]~~ ~~5.]~~ (d) Recommend the suspension or expulsion of the pupil in accordance with NRS 392.467; or

~~[5.]~~ ~~6.]~~ (e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

2. A principal shall report to the school district each time a committee created pursuant to NRS 392.4647 is convened and, upon the conclusion of the committee's review of a placement, shall supplement the report with the result of the assessment of the committee.

3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit an annual report to the Legislative Committee on Education containing such information for all schools located in the school district.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 503 to Senate Bill No. 386 requires a school's discipline plan to include a policy for school transportation, as adopted by the school district's board of trustees; requires the school committee to include a non-teaching staff person; ensures that teachers and staff members of the school committee serve no more than two consecutive years; expands the conditions under which a school committee is convened, and requires related reports to be submitted by school principals to their districts and by school districts to the Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 300.

SUMMARY—~~[Authorizes justice courts and municipal courts to establish]~~
Revises provisions relating to court programs for the treatment of ~~certain~~
~~offenders who are]~~ veterans ~~for]~~ and members of the military. (BDR 14-1059)

AN ACT relating to criminal procedure; authorizing justice courts and municipal courts to establish programs for the treatment of certain offenders who are veterans or members of the military; revising provisions governing the eligibility of a defendant for assignment to such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to place certain offenders who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of an appropriate program for the treatment of such offenders that is established by the district court. (NRS 176A.280) Existing law also authorizes a justice court or municipal court to transfer jurisdiction of such a defendant to the district court for assignment to an appropriate program of treatment. (NRS 176A.285) Section 3 of this bill authorizes justice courts and municipal courts to establish such programs and assign such offenders to those programs.

Existing law provides that a defendant is eligible for assignment to such a program if the defendant is a veteran or a member of the military who: (1) appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service; and (2) would benefit from assignment to the program. (NRS 176A.285) Section 2 of this bill makes a defendant eligible for such a program if the defendant: (1) is the victim of a military sexual assault; and (2) would benefit from assignment to the program. Sections 11-13 of this bill provide that: (1) persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to such a program; and (2) offenses that are conditionally dismissed in connection with successful completion of such a program or a diversionary or specialty court program constitute prior offenses for the purpose of determining whether the person is subject to an enhanced penalty with respect to a subsequent offense.

Existing law provides that upon fulfillment of the terms and conditions of such a program, the court shall discharge the defendant and dismiss the proceedings. (NRS 176A.290) Section 5 of this bill provides that for defendants in the program who were charged with battery constituting domestic violence or driving under the influence, the court may conditionally dismiss the charges. Under section 6 of this bill, if the charges are conditionally dismissed, then not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the court must order that all records relating to the charges be sealed.

The remaining sections of this bill make conforming changes.

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

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

- (a) Afford counsel an opportunity to speak on behalf of the defendant; and
- (b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant ~~is a veteran or a member of the military and~~ meets the qualifications of ~~paragraphs (b) and (c) of subsection 2 of NRS 176A.285,~~ *section 2 of this act*, the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

↪ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 2. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. As used in this section and NRS 176A.280 to 176A.295, inclusive, "eligible defendant" means a veteran or a member of the military who:

~~{1. Appears}~~ (a) Is the victim of a military sexual assault or appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and

~~{2.}~~ (b) Would benefit from assignment to a program established pursuant to NRS 176A.280.

2. As used in this section, "military sexual assault" means an act of sexual assault that occurred while the veteran or member of the military was serving on active duty, active duty for training, or inactive duty training.

Sec. 3. NRS 176A.280 is hereby amended to read as follows:

176A.280 A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign ~~{a}~~ *an eligible defendant* pursuant to NRS 176A.290. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 4. NRS 176A.285 is hereby amended to read as follows:

176A.285 ~~{1. A}~~ *If a justice court or {a} municipal court has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable, may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant {*

~~2. As used in this section, "eligible defendant" means a veteran or a member of the military who:~~

~~{a) Has} who has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor . {~~

~~{b) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and~~

~~{c) Would benefit from assignment to a program established pursuant to NRS 176A.280.}~~

Sec. 5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2, if ~~a defendant who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as described in NRS 176A.285~~ *an eligible defendant* tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the *district court, justice court or municipal court, as applicable*, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the *district court, justice court or municipal court, as applicable*, may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the *district court, justice court or municipal court, as applicable*, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) The *district court, justice court or municipal court, as applicable*, may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the *district court* may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. ~~Upon~~ Except as otherwise provided in subsection 5, upon fulfillment of the terms and conditions, the *district court, justice court or municipal court, as applicable*, shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of

failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 6. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. ~~{After a}~~ Except as otherwise provided in subsection 2, after an eligible defendant is discharged from probation pursuant to NRS 176A.290, the district court, justice court or municipal court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The district court, justice court or municipal court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in subsection 5 of NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the district court, justice court or municipal court, as applicable, orders sealed the record of {a} an eligible defendant discharged or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order.

Each such agency or officer shall notify the *district court, justice court or municipal court, as applicable*, in writing of its compliance with the order.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or , *if the justice court has not established a program pursuant to NRS 176A.280* ~~[-]~~ , *to a program established pursuant to that section.*

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 8. NRS 4.374 is hereby amended to read as follows:

4.374 1. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall address the defendant personally and ask the defendant if he or she is a veteran or a member of the military.

2. If the defendant ~~is a veteran or a member of the military and~~ meets the qualifications of ~~[NRS 176A.285,]~~ *section 2 of this act and has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor,* the justice court may, *if the court has not established a program pursuant to NRS 176A.280* and if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

- (a) A program of treatment established pursuant to NRS 176A.280; or
- (b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 9. NRS 5.050 is hereby amended to read as follows:

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

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

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

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

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

Sec. 10. NRS 5.057 is hereby amended to read as follows:

5.057 1. Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall address the defendant personally and ask the defendant if he or she is a veteran or a member of the military.

2. If the defendant ~~is a veteran or a member of the military and~~ meets the qualifications of ~~[NRS 176A.285,]~~ *section 2 of this act*, the municipal court may, *if the court has not established a program pursuant to NRS 176A.280 and* if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 11. NRS 200.485 is hereby amended to read as follows:

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

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

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

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

➡ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

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

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

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

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

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

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

↪ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ :

(a) When evidenced by a conviction ~~in~~ ; or

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

↪ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

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

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

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. ~~[A court shall not grant probation to and, except]~~ Except as otherwise provided in ~~[NRS 4.373 and 5.055,]~~ this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

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

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

9. As used in this section:

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

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

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

Sec. 12. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved

by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than \$400 nor more than \$1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than \$750 nor more than \$1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➡ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ :

(a) When evidenced by a conviction ~~[or]~~ ; or

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

—without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

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

Sec. 13. NRS 484C.420 is hereby amended to read as follows:

484C.420 1. ~~(A)~~ Except as otherwise provided in subsection 2, a person convicted of violating the provisions of NRS 484C.110 or 484C.120 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484C.320, 484C.330 and 484C.340, that portion of the sentence imposed that exceeds the

mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484C.110 or 484C.120 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

2. The court may grant probation to or suspend the sentence of a person to assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first violation of the provisions of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor.

3. If the person who violated the provisions of NRS 484C.110 or 484C.120 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 484C.400, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of the person's residence within the time specified in the order; or

(b) Order the person to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➔ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

~~{Sec. 11.}~~ Sec. 14. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 300 to Senate Bill No. 449 makes a defendant who is a veteran or member of the military eligible for a treatment program if he or she is the victim of a military sexual assault and would benefit from assignment to the program. It also provides that persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to such a program and offenses that are conditionally dismissed in connection with successful completion of such a program constitute prior offenses when a court must determine if the person is subject to an enhanced penalty if he or she commits a subsequent offense. Finally, if no further offenses are committed for seven years after the conditional dismissal of charges, the defendant may petition the court to have his or her records sealed and the court must do so.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 507.

SUMMARY—Revises provisions relating to technology in public schools.
(BDR 34-1120)

AN ACT relating to education; creating the Nevada Ready 21 Technology Program; establishing requirements for participation in the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Educational Technology and prescribes its duties. (NRS 388.790, 388.795) Section 3 of this bill creates the Nevada Ready 21 Technology Program and requires the Program to be administered by the Commission. Section 3 also requires the Commission to establish: (1) procedures by which the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils may apply for a grant of money; and (2) in consultation with each school district, standards and methods for measuring progress in certain areas for pupils enrolled at public schools that are awarded such a grant.

Section 4 of this bill requires a school district, charter school or university school for profoundly gifted pupils that receives a grant of money to ~~[(1) enter into an agreement with a person or entity to carry out the Program; and (2)]~~ annually provide a report to the Commission concerning implementation of the Program. Section 4 requires the Department of Education to enter into an agreement with a person or entity to carry out the Program. Section 4 also ~~[prescribes the persons or entities with whom]~~ allows a school district, charter school or university school for profoundly gifted pupils ~~[may]~~ to enter into an agreement with a person or entity to ~~[carry out]~~ provide computing devices for use in the Program.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Program" means the Nevada Ready 21 Technology Program created by section 3 of this act.*

Sec. 3. 1. *The Nevada Ready 21 Technology Program is hereby created for the purposes of:*

(a) Providing ~~[pupils]~~ each pupil and ~~[teachers]~~ teacher at a public school which participates in the Program with 24-hour access to their own personal, portable technology device connected wirelessly to the Internet;

(b) *Improving pupil outcomes through the use of digital teaching and learning technology, including, without limitation:*

(1) *Improving the extent to which pupils are engaged in classroom activity;*

(2) *Improving the attendance rate of pupils;*

(3) *Improving the graduation rate of pupils;*

(4) *Reducing the number of behavioral incidents in a classroom;*

(5) *Facilitating the application of material taught in the classroom to the real world; and*

(6) *Differentiating classroom instruction;*

(c) Providing high-quality professional development for teachers to improve pupil outcomes through the use of digital teaching and learning technology;

(d) Effectively integrating technologies with teaching and learning; and

(e) Increasing the percentage of pupils who are career and workforce ready.

2. The Commission shall administer the Program.

3. In administering the Program, the Commission shall establish procedures by which the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils may apply to the Commission for a grant of money. An application for a grant must:

(a) Set forth a plan that includes:

(1) Measures designed to ensure that the school district, charter school or university school for profoundly gifted pupils submitting the application will apply best practices to the use of technology devices;

(2) Specific learning goals; and

(3) A method for measuring progress toward achieving those goals; and

(b) Provide a description of:

(1) The cost of purchasing the portable technology devices, the cost of professional development and any additional associated expenses of the school district, charter school or university school for profoundly gifted pupils to carry out the Program;

(2) The amount of money sought; and

(3) How the school district, charter school or university school for profoundly gifted pupils will pay for the difference between subparagraphs (1) and (2), if a difference exists.

4. To the extent that money is available, the Commission shall review all applications submitted pursuant to subsection 3 and award a grant to the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils in an amount determined by the Commission ~~to be sufficient to fully implement the Program for the recipient of the grant.~~ The Commission may establish by regulation the criteria it will consider in determining whether to award a grant.

5. The Commission shall in consultation with each school district, establish standards and methods for measuring progress in the level of academic achievement and other areas identified by the Commission for pupils enrolled at public schools that are awarded a grant of money pursuant to subsection 4.

Sec. 4. 1. A school district, charter school or university school for profoundly gifted pupils that receives a grant pursuant to section 3 of this act shall ~~to~~

~~— (a) Enter into an agreement with a person or entity, pursuant to subsection 2, to carry out the Program for which it receives a grant. Such a person or entity may provide:~~

~~— (1) Computing devices.~~

~~— (2) Software and applications.~~

~~— (3) Learning management systems that allow the school district, charter school or university school for profoundly gifted pupils to create instructional materials to be used in a classroom and to track and manage such materials.~~

~~— (4) Professional development.~~

~~— (5) Wireless networking solutions.~~

~~— (b) Annually~~ annually provide a report to the Commission in the form prescribed by the Commission that includes, without limitation:

~~{(1)}~~ (a) Any expenditures of money to implement the Program by the school district, charter school or university school for profoundly gifted pupils;

~~{(2)}~~ (b) A summary of the progress of the school district, charter school or university school for profoundly gifted pupils toward meeting the learning goals specified in the application for a grant submitted pursuant to section 3 of this act; and

~~{(3)}~~ (c) Any feedback received by the school district, charter school or university school for profoundly gifted pupils concerning the Program from other recipients of money from the Program.

2. The Department shall enter into an agreement with a person or entity to carry out the Program. Such a person or entity may provide:

(a) Computing devices that meet the minimum requirements established by the Commission for use in the Program.

(b) Software and applications.

(c) Learning management systems that allow the school district, charter school or university school for profoundly gifted pupils to create instructional materials to be used in a classroom and to track and manage such materials.

(d) Professional development.

(e) Wireless networking solutions.

3. A school district, charter school or university school for profoundly gifted pupils that receives a grant pursuant to section 3 of this act may enter into an agreement ~~required by subsection 1~~ with ~~fr~~

~~— (a) A~~ a person or entity ~~[with which the school district, charter school or university school for profoundly gifted pupils has an existing contract;~~

~~— (b) If the requirements of paragraph (a) cannot be met, a person or entity with which a different school district, charter school or university school for profoundly gifted pupils has an existing contract; or~~

~~— (c) If the requirements of paragraph (a) or (b) cannot be met, with any other person or entity.] to provide computing devices that meet the minimum requirements established by the Commission for use in the Program.~~

Sec. 5. NRS 388.780 is hereby amended to read as follows:

388.780 As used in NRS 388.780 to 388.805, inclusive, and sections 2,

3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 388.785 and 388.787 and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 507 to Senate Bill No. 467 requires the Commission to consult with school districts in establishing program standards; requires the Department of Education to continue with a Statewide contract for the program, and allows a public school to enter into a contract for computing devices, as long as the devices meet the minimum program requirements established by the Commission on Educational Technology.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 485.

SUMMARY—Revises provisions relating to ~~the Foreclosure Mediation Program~~ the foreclosure of real property. (BDR 9-488)

AN ACT relating to real property; revising provisions relating to the foreclosure of real property; revising provisions relating to the Foreclosure Mediation Program; requiring the Housing Division of the Department of Business and Industry to administer certain functions of the Program; replacing the Account for Foreclosure Mediation with the Account for Foreclosure Mediation Assistance; providing for the continuation of the Program; requiring the State Controller to transfer money remaining in the Account for Foreclosure Mediation to the Account for Foreclosure Mediation Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures governing the foreclosure of real property upon default. Existing law gives a trustee under a deed of trust the power to sell the property to which the deed of trust applies, subject to certain restrictions, and requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit setting forth certain information concerning the deed of trust. Section 1.5 of this bill removes the requirement for such an affidavit and section 1 of this bill replaces the requirement to include such an affidavit in residential foreclosures. (NRS 107.080)

Existing law provides for the establishment of a program for foreclosure mediation and generally requires that mediation, unless waived, be conducted as a condition of a judicial foreclosure proceeding or the exercise of a power of sale affecting owner-occupied housing. (NRS 107.086) Existing law also authorizes a mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to a deed of trust concerning owner-occupied housing to initiate mediation under certain circumstances. (NRS 107.0865) Existing law also provides that in a judicial

foreclosure action concerning owner-occupied property, the mortgagor may elect to participate in the program for foreclosure mediation. (NRS 40.437) The Nevada Supreme Court is required to adopt rules to implement the program for foreclosure mediation, commonly known as the Foreclosure Mediation Program, including designating an entity to serve as the Mediation Administrator. (NRS 40.437, 107.086)

Sections ~~2-5~~ 2, 3, 4 and 5 of this bill revise provisions governing the Foreclosure Mediation Program. Section 2 removes the provision of existing law that requires the Nevada Supreme Court to designate an entity to serve as the Mediation Administrator and instead requires the Housing Division of the Department of Business and Industry to administer the Program. Section 2 requires the Housing Division to administer certain functions of the Program, including: (1) providing certain notices to certain grantors of a deed or persons who hold a title of record; (2) under certain circumstances, providing to the trustee a certificate which provides that mediation has been completed or is not required; and (3) serving upon certain persons a copy of a petition to participate in mediation, by certified mail. After mediation, section 2 requires the Division to submit to the district court the terms of any loan modification or settlement agreement. The district court is required to enter an order describing the terms of any such modification or agreement.

Sections ~~2-5~~ 2, 3, 4 and 5 authorize certain grantors of a deed, persons who hold the title of record or mortgagors to petition the court to participate in the Foreclosure Mediation Program. Sections ~~2-5~~ 2, 3, 4 and 5 require such a person who seeks to participate in the Program to: (1) pay a \$25 filing fee upon filing such a petition; (2) serve a copy of the petition upon certain persons by certified mail, return receipt requested; and (3) pay his or her share of the mediation fee. Section 2 increases the fee for mediation services from \$400 to \$600.

Existing law also creates the Account for Foreclosure Mediation, the money in which may be expended only for the purpose of supporting the Foreclosure Mediation Program. (NRS 107.080) Section ~~1-1~~ 1.5 of this bill: (1) replaces the Account for Foreclosure Mediation with the Account for Foreclosure Mediation Assistance; (2) requires the Account to be administered by the Housing Division of the Department of Business and Industry; and (3) clarifies that the money collected for the Program may only be expended for the purpose of supporting the Program. Section 9 of this bill requires the State Controller to transfer all money remaining in the Account for Foreclosure Mediation to the newly established Account for Foreclosure Mediation Assistance.

Senate Bill No. 512 of the 2015 Legislative Session (S.B. 512) provided that the Foreclosure Mediation Program ends on June 30, 2017. Sections 8 and 11 of this bill remove the prospective expiration, thereby establishing a permanent Foreclosure Mediation Program. (Chapter 517, Statutes of Nevada 2015, p. 3334)

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the requirements set forth in NRS 107.080, 107.085 and 107.086, the power of sale for a residential foreclosure is subject to the following requirements and conditions and must not be executed until:

(a) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 2 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property pursuant to subsection 2 of NRS 107.080, together with a notarized affidavit of authority to exercise the power of sale. The affidavit required by this paragraph must state under penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney

representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) That amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

2. The period provided in paragraph (a) of subsection 1, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid, to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property. In addition to meeting the requirements set forth in subsection 1 and NRS 107.080, the notice of default and election must:

(a) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(b) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to

abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(c) Comply with the provisions of NRS 107.087.

3. In addition to providing notice pursuant to the requirements set forth in subsection 4 of NRS 107.080, the trustee, or other person authorized to make the sale under the terms of the deed of trust or transfer in trust with respect to a residential foreclosure, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 of NRS 107.080, following the recording of the notice of breach and election to sell, and before the making of the sale, comply with the provisions of NRS 107.087.

4. In addition to the grounds provided in paragraph (a) of subsection 5 of NRS 107.080, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if the trustee or other person authorized to make the sale does not substantially comply with any applicable provisions set forth in NRS 107.086 and 107.087, and the applicant otherwise complies with subsection 5 of NRS 107.080.

5. As used in this section:

(a) "Residential foreclosure" means the sale of a single-family residence under a power of sale granted by this section. As used in this paragraph, "single-family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" has the meaning ascribed in NRS 107.080.

~~[Section 1.]~~ Sec. 1.5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, and section 1 of this act, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) ~~[Except as otherwise provided in paragraph (b), in]~~ In the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a

period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

~~(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.~~

~~—(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation. [which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:~~

~~—(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.~~

~~—(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:~~

~~—(I) The holder of the instrument;~~

~~—(II) A nonholder in possession of the instrument who has the rights of a holder; or~~

~~—(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.~~

~~—(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:~~

~~—(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate~~

~~the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;~~

~~—— (II) The amount in default;~~

~~—— (III) The principal amount of the obligation or debt secured by the deed of trust;~~

~~—— (IV) The amount of accrued interest and late charges;~~

~~—— (V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and~~

~~—— (VI) Contact information for obtaining the most current amounts due and the local or toll free telephone number described in subparagraph (4).~~

~~—— (4) A local or toll free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.~~

~~—— (5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:~~

~~—— (I) The direct, personal knowledge of the affiant;~~

~~—— (II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;~~

~~—— (III) Information contained in the records of the recorder of the county in which the property is located; or~~

~~—— (IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.~~

~~→ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.~~

~~—(d)}~~ (c) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

~~{(e)}~~ (d) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 ~~for the period provided in paragraph (b) of subsection 2,~~ commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is

mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must ~~be~~

~~—(a) Describe~~ describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2. ~~It~~

~~—(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;~~

~~—(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and~~

~~—(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.]~~

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560. ~~It and~~

~~—(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.]~~

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. Except as otherwise provided

in subsection 7, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section; ~~for any applicable provision of NRS 107.086 and 107.087;~~

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 30 days after the date on which the trustee's deed upon sale is recorded pursuant to subsection 10 in the office of the county recorder of the county in which the property is located; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 5 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 90 days after the date of the sale.

7. Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,
➡ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

9. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

10. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whoever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 10, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 10 and for reasonable attorney's fees and the costs of bringing the action.

13. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure ~~[Mediation,]~~ *Mediation Assistance*, which is hereby created in the State General Fund. The Account must be administered by the ~~[Court Administrator,]~~ *Housing Division of the Department of Business and Industry*, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation. ~~[established by Supreme Court Rule.]~~

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

14. The fees collected pursuant to paragraphs (a) and (b) of subsection 13 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure *Mediation Assistance* as prescribed pursuant to subsection 13. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county

treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 13.

15. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 13.

16. As used in this section ~~is~~

~~(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":~~

~~(1) Means a structure that is comprised of not more than four units.~~

~~(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.~~

~~(b) "Trustee", "trustee" means the trustee of record.~~

Sec. 2. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection and subsection 4 of NRS 107.0865, in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing ~~and for which a notice of default and election to sell is mailed on or before December 1, 2016, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080~~ is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) *Contact information which the grantor or the person who holds the title of record may use to serve notice as required pursuant to subsection 3 if the grantor or person who holds the title does not elect to waive mediation;*

(3) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

~~[(3)]~~ (4) A notice provided by the ~~[Mediation Administrator]~~ Division indicating that the grantor or the person who holds the title of record ~~[will be enrolled]~~ *may petition the district court to participate in mediation pursuant to this section if he or she files such a petition, pays a \$25 filing fee, serves a copy of the petition upon the beneficiary of the deed, the Division and the trustee by certified mail, return receipt requested, and pays to the* ~~[Mediation Administrator]~~ district court his or her share of the fee established pursuant to subsection ~~[11:]~~ 12; and

~~[(4)]~~ (5) A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the ~~[Mediation Administrator]~~ Division, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon the ~~[Mediation Administrator]~~ Division;

(d) If the owner-occupied housing is located within a common-interest community, notifies the unit-owners' association of the common-interest community, not later than 10 days after mailing the copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080, that the exercise of the power of sale is subject to the provisions of this section; and

(e) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the ~~[Mediation Administrator]~~ Division pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the ~~[Mediation Administrator]~~ Division pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080 , ~~for December 31, 2016, whichever is earlier,~~ complete the form required by subparagraph ~~[(4)]~~ (5) of paragraph (a) of subsection 2 and return the form to the trustee and the ~~[Mediation Administrator]~~ Division by certified mail, return receipt requested. If the grantor or the person who holds the title of record does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080 , ~~for December 31, 2016, whichever~~

~~is earlier, pay to the Mediation Administrator.] petition the district court to participate in mediation pursuant to this section, at the time of filing such a petition, pay to the clerk of the court a fee of \$25 and his or her share of the fee established pursuant to subsection [11.] 12. The grantor or the person who holds the title of record shall serve shall serve a copy of the petition, by certified mail, return receipt requested, upon the beneficiary of the deed of trust and the Division. Upon receipt of the [share of the fee established pursuant to subsection 11 owed by the grantor or the person who holds title of record,] copy of the petition, the [Mediation Administrator] Division shall notify the trustee [;] and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the [enrollment] petition of the grantor or person who holds the title of record to participate in mediation pursuant to this section . [and] Upon receipt of a petition pursuant to this section, the district court shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. [The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation.] If the grantor or person who holds the title of record [is enrolled] satisfies the requirements of this subsection to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.~~

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph ~~[(4)]~~ (5) of paragraph (a) of subsection 2 an election to waive mediation ~~[or] , fails to petition the district court pursuant to subsection 3 or fails to pay to the [Mediation Administrator] district court his or her share of the fee established pursuant to subsection [11.] 12 as required by subsection 3, the [Mediation Administrator] Division shall, not later than 60 days after the [Mediation Administrator] Division receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.~~

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~[(11.)]~~ 12. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note , ~~[and]~~ each assignment of the deed of trust or mortgage note ~~[;] and any documents created in connection with a loan modification.~~ If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on

behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by subsection 5, the mediator shall prepare and submit to the ~~{Mediation Administrator}~~ *district court* a ~~{petition and}~~ recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, the ~~{Mediation Administrator}~~ *district court shall dismiss the petition. The Division* shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the ~~{Mediation Administrator}~~ *district court* a recommendation that the ~~{matter be terminated.}~~ *petition be dismissed. The court may dismiss the petition and if the petition is dismissed, transmit a copy of the order of dismissal to the Division.* The ~~{Mediation Administrator}~~ *Division* shall, not later than 30 days after ~~{submission of the mediator's recommendation that the matter be terminated.}~~ *receipt of such an order*, provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. *If the parties agree to a loan modification or settlement, the mediator shall notify the district court. Upon receipt of such notification, the court shall enter an order describing the terms of any loan modification or settlement agreement.*

10. Upon receipt of the certificate provided to the trustee by the ~~{Mediation Administrator}~~ *Division* pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall, not later than 10 days after receipt of the certificate, notify the unit-owners' association of the existence of the certificate.

~~{10.}~~ 11. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

~~{11.}~~ 12. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) ~~{Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.~~

~~—(b)}~~ Ensuring that mediations occur in an orderly and timely manner.

~~{(e)}~~ (b) Requiring each party to a mediation to provide such information as the mediator determines necessary.

~~{(d)}~~ (c) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

~~{(e)}~~ (d) Establishing a total fee of not more than ~~{\$400}~~ \$600 that may be charged and collected by the ~~{Mediation Administrator}~~ district court for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

~~{12.}~~ (e) *Prescribing a form supplied by the district court to file a petition to participate in mediation pursuant to this section.*

13. Except as otherwise provided in subsection ~~{14.}~~ 15, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~{13.}~~ 14. A noncommercial lender is not excluded from the application of this section.

~~{14.}~~ 15. ~~{The Mediation Administrator and each}~~ *Each* mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~{15.}~~ 16. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) ~~{"Mediation Administrator" means the entity so designated pursuant to subsection 11.}~~ *"Division" means the Housing Division of the Department of Business and Industry.*

(c) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(d) "Obligation" has the meaning ascribed to it in NRS 116.310313.

(e) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(f) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

(g) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 3. NRS 107.0865 is hereby amended to read as follows:

107.0865 1. A mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to any trust agreement which concerns owner-occupied housing may initiate mediation to negotiate a loan modification under the mediation process set forth in NRS 107.086 if : ~~[, on or before December 31, 2016;]~~

(a) A local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record:

- (1) Has a documented financial hardship; and
- (2) Is in imminent risk of default; and

(b) The mortgagor, grantor or person who holds the title of record:

(1) ~~[Submits a form prescribed by the Mediation Administrator]~~ *Files a petition with the district court* indicating an election to enter into mediation pursuant to this section; ~~[and]~~

(2) *At the time of filing such a petition, pays to the clerk of the court a fee of \$25;*

(3) Pays to the ~~[Mediation Administrator]~~ *district court* his or her share of the fee established pursuant to subsection ~~[11]~~ 12 of NRS 107.086 ~~[,]~~ ; and

(4) *Serves a copy of the petition upon the Division and the beneficiary of the deed of trust, by certified mail, return receipt requested.*

2. Upon ~~[satisfaction of the requirements of]~~ receipt of a copy of a petition pursuant to subsection 1, the ~~[Mediation Administrator]~~ *Division* shall notify the mortgage servicer, by certified mail, return receipt requested, of the ~~[enrollment]~~ *petition* of the mortgagor, grantor or person who holds the title of record to participate in mediation pursuant to this section . ~~[and]~~ *Upon receipt of a copy of a petition pursuant to subsection 1, the district court* shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The ~~[mortgage servicer]~~ *Division* shall notify ~~[the mortgagee or the beneficiary of the deed of trust, as applicable, and]~~ every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the ~~[enrollment]~~ *petition* of the mortgagor, grantor or person who holds the title of record to participate in mediation.

3. Each mediation required by this section must be conducted in conformity with the requirements of subsections 5 and 6 of NRS 107.086.

4. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the ~~[Mediation Administrator]~~ *district court* a recommendation that the ~~[matter be terminated.]~~ *petition be dismissed. The court may dismiss the petition and transmit a copy of the order of dismissal to the Division. The* ~~[Mediation Administrator]~~ *Division* shall, not later than 30 days after ~~[submittal of the mediator's recommendation that the matter be terminated,]~~ receipt of the order of dismissal, provide to the mortgage servicer a certificate which provides that the mediation required by this section has been completed

in the matter. If the ~~[Mediation Administrator]~~ Division provides such a certificate, the requirement for mediation pursuant to NRS 107.086 is satisfied.

5. The certificate provided pursuant to subsection 4 must be in the same form as the certificate provided pursuant to subsection 8 of NRS 107.086, and may be recorded in the office of the county recorder in which the trust property, or some part thereof, is situated. The recording of the certificate in the office of the county recorder in which the trust property, or some part thereof, is situated shall be deemed to be the recording of the certificate required pursuant to subparagraph (2) of paragraph (e) of subsection 2 of NRS 107.086.

6. A noncommercial lender is not excluded from the application of this section.

7. The ~~[Mediation Administrator]~~ Division and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

8. As used in this section:

(a) "Division" means the Housing Division of the Department of Business and Industry.

(b) "Financial hardship" means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

- (1) The death of the borrower or co-borrower;
- (2) Serious illness;
- (3) Divorce or separation; or
- (4) Job loss or a reduction in pay.

~~[(b)]~~ (c) "Imminent risk of default" means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

~~[(c) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.]~~

(d) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(e) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 3.5. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary

of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the expiration of the period described in paragraph ~~((b))~~ (a) of subsection ~~(2)~~ 1 of ~~NRS 107.080;~~ section 1 of this act; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Sec. 4. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which the ~~{Mediation Administrator, as defined in NRS 107.086,}~~ *Housing Division of the Department of Business and Industry* issues the certificate pursuant to NRS 107.086 that mediation has been completed in the matter;

(c) If mediation pursuant to NRS 40.437 is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530, and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 5. NRS 40.437 is hereby amended to read as follows:

40.437 1. An action pursuant to NRS 40.430 affecting owner-occupied housing that is commenced in a court of competent jurisdiction ~~[on or before December 1, 2016,]~~ is subject to the provisions of this section.

2. In an action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the ~~[Mediation Administrator]~~ Division indicating that the mortgagor ~~[will be enrolled]~~ *may petition the court* to participate in mediation pursuant to this section if he or she pays to the ~~[Mediation Administrator]~~ court his or her share of the fee established pursuant to subsection ~~[11]~~ 12 of NRS 107.086; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the ~~[Mediation Administrator]~~ Division, which the mortgagor may use to comply with the provisions of subsection 3; and

(b) The plaintiff must submit a copy of the complaint to the ~~[Mediation Administrator]~~ Division.

3. If the mortgagor elects to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, ~~[for December 31, 2016, whichever is earlier,]~~ complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor does not elect to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, pay to the ~~[Mediation Administrator]~~ court his or her share of the fee established pursuant to

subsection ~~{11}~~ 12 of NRS 107.086. Upon receipt of the share of the fee established pursuant to subsection ~~{11}~~ 12 of NRS 107.086 owed by the mortgagor, the ~~[Mediation Administrator]~~ court shall notify the plaintiff, by certified mail, return receipt requested, of the ~~[enrollment]~~ *grant of the petition* of the mortgagor to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. Upon the plaintiff's receipt of such notice, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to participate in mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form required by subparagraph (4) of paragraph (a) of subsection 2 of his or her election to waive mediation or fails to pay the ~~[Mediation Administrator]~~ court his or her share of the fee established pursuant to subsection ~~{11}~~ 12 of NRS 107.086, as required by this subsection, no mediation is required in the action and the action pursuant to NRS 40.430 must proceed.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~{11}~~ 12 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the ~~[Mediation Administrator and the]~~ court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the mortgagor is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had elected to waive mediation.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court ~~[and the Mediation Administrator]~~ a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

8. The rules adopted by the Supreme Court pursuant to subsection ~~{11}~~ 12 of NRS 107.086 apply to a mediation conducted pursuant to this section, and

the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. ~~{The Mediation Administrator and each}~~ Each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) ~~["Mediation Administrator" has the meaning ascribed to it in NRS 107.086.]~~ "Division" means the Housing Division of the Department of Business and Industry.

(b) "Mortgagor" includes the grantor of a deed of trust or the person who holds the title of record to the real property.

(c) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(d) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 5.5. NRS 100.091 is hereby amended to read as follows:

100.091 1. For each loan requiring the deposit of money to an escrow account, loan trust account or other impound account for the payment of taxes, assessments, rental or leasehold payments, insurance premiums or other obligations related to the encumbered property, the lender shall:

(a) Require contributions in an amount reasonably necessary to pay the obligations as they become due.

(b) Unless money in the account is insufficient, pay in a timely manner the obligations as they become due.

(c) At least annually, analyze the account. The analysis of each account must be performed to determine whether sufficient money is contributed to the account on a monthly basis to pay for the projected disbursements from the account. At least 30 days before the effective date of any increased contribution to the account based on the analysis, a statement must be sent to the borrower showing the method of determining the amount of money held in the account, the amount of projected disbursements from the account and the amount of the reserves which may be held in accordance with federal guidelines.

2. If, upon completion of the analysis, it is determined that an account is not sufficiently funded to pay from the normal payment the items when due on the account, the lender shall offer the borrower the opportunity to correct the deficiency by making one lump-sum payment or by making increased monthly contributions, in an amount required by the lender. The lender shall not declare a default on the account solely because the borrower is unable to pay the amount of the deficiency in one lump sum.

3. Except for payments made by a borrower for a lender to recover previous deficiencies in contributions to the account pursuant to subsection 2, the borrower is entitled pursuant to subsection 4 to the amount by which the borrower's contributions to the account exceed the amount reasonably necessary to pay the annual obligations due from the account, together with interest thereon at the rate established pursuant to NRS 99.040.

4. If, upon completion of the analysis, it is determined that the amount of money held by the lender in the account, together with anticipated future monthly contributions to the account to be credited to the account before the dates items are due on the account, exceed the amount of money required to pay the items when due, the lender shall, not later than 30 days after completion of its annual review of the account, notify the borrower:

(a) Of the amount by which the contributions and interest earned pursuant to subsection 3 exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(b) That the borrower may, not later than 20 days after receipt of the notice, specify that the lender:

(1) Repay the excess money and interest promptly to the borrower;

(2) Apply the excess money and interest to the outstanding principal balance; or

(3) Retain the excess money and interest in the account.

5. If the borrower fails to specify the disposition of the excess money and interest as provided in paragraph (b) of subsection 4, the lender shall maintain the excess money and interest in the account.

6. If any payment on the loan is delinquent at the time of the analysis, the lender shall retain any excess money and interest in the account and apply the excess money and interest in the account toward payment of the delinquency.

7. A lender who violates any provision of subsections 4, 5 and 6 is liable to the borrower for a civil penalty of not more than \$1,000.

8. The provisions of this section apply exclusively to:

(a) A loan secured by a single family residence, as that term is defined in ~~NRS 107.080~~ section 1 of this act; and

(b) A unit in a common-interest community that is used exclusively for residential use, as those terms are defined in chapter 116 of NRS.

9. As used in this section:

(a) "Borrower" means any person who receives a loan secured by real property and who is required to make advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

(b) "Lender" means any person who makes loans secured by real property and who requires advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

Sec. 6. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its

lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded;
or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➡ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless:

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:

(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection ~~10~~ 11 of NRS 107.086.

Sec. 7. Section 10.5 of chapter 517, Statutes of Nevada 2015, at page 3334, is hereby amended to read as follows:

Sec. 10.5. If the ~~{Court Administrator}~~ *Housing Division of the Department of Business and Industry* determines that money in the Account for Foreclosure Mediation Assistance created by NRS 107.080 is not sufficient to support the mediation process set forth in NRS 107.086, as amended by section 2.5 of this act, and the mediation process set forth in section 1 of this act, the ~~{Court Administrator}~~ *Housing Division* may submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation Assistance for such purpose.

Sec. 8. Section 13 of chapter 517, Statutes of Nevada 2015, at page 3334, is hereby amended to read as follows:

Sec. 13. 1. This section and sections 2.5, 8.5, 10.5 and 11 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval. ~~{and expires by limitation on June 30, 2017.}~~

~~3. Sections 1.5, 2, 3 to 8, inclusive, 9, 10 and 12 of this act become effective on June 30, 2017.~~

~~4. Section 10.5 of this act expires by limitation on June 30, 2017.}~~

Sec. 9. The State Controller shall transfer to the Account for Foreclosure Mediation Assistance created by NRS 107.080, as amended by section ~~11~~ 1.5 of this act, as soon as practicable on or after the effective date of this act, all money remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure.

Sec. 10. 1. The amendatory provisions of this act apply to any person who ~~{otherwise}~~:

(a) Otherwise could have enrolled in the Foreclosure Mediation Program after December 31, 2016, or was mailed a notice of default and election to sell after December 2, 2016, ~~11~~; and

(b) Received a notice of default required by NRS 107.080 before the effective date of this act. Such a person shall have until the date 30 days after the effective date of this act to enroll in the Foreclosure Mediation Program.

2. The amendatory provisions of sections 1 and 1.5 of this act apply only to a notice of default and election to sell which is recorded pursuant to

NRS 107.080, as amended by section 1.5 of this act, on or after the effective date of this act.

Sec. 11. Sections 1.5, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of chapter 517, Statutes of Nevada 2015, at pages 3317, 3322, 3327, 3328, 3330, 3333 and 3334, are hereby repealed.

Sec. 12. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

Section 1.5 of chapter 517, Statutes of Nevada 2015, at page 3317:

Sec. 1.5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210 ~~and~~ and 107.085, ~~and 107.086,~~ if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing, ~~as defined in NRS 107.086,~~ the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in

subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in

subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

↪ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time-share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of

Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2;

(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale

made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS ~~[107.086 and]~~ 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 45 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 15 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 60 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,
➔ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record

the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) ~~[A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.]~~

~~—(c)]~~ A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to ~~[paragraphs]~~ paragraph (a) ~~and (b)]~~ of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund . ~~for the Account for Foreclosure Mediation as prescribed pursuant to subsection 11.]~~ The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund . ~~for the Account as prescribed in subsection 11.]~~

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the

grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) *"Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.*

(b) *"Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":*

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

~~[(b)]~~ (c) *"Trustee" means the trustee of record.*

Section 2 of chapter 517, Statutes of Nevada 2015, at page 3322:

Sec. 2. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS ~~[107.086.]~~ 107.080.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS ~~107.086~~ 107.080:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Section 3 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 3. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the

validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS ~~107.086,~~ 107.080, the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Section 4 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 4. NRS 107.450 is hereby amended to read as follows:

107.450 "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~107.086,~~ 107.080.

Section 5 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 5. NRS 107.460 is hereby amended to read as follows:

107.460 The provisions of NRS 107.400 to 107.560, inclusive, do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS ~~107.086,~~ 107.080.

Section 6 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 6. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 107.085, ~~and 107.086,~~ the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential

mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Section 7 of chapter 517, Statutes of Nevada 2015, at page 3328:

Sec. 7. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) ~~If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;~~

~~—(c) If [mediation pursuant to NRS 40.437 is required or if] a court orders participation in a settlement program, until the date on which the [mediation or] participation in a settlement program is terminated; or~~

~~[(d)]~~ (c) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530, and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of

NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Section 8 of chapter 517, Statutes of Nevada 2015, at page 3328:

Sec. 8. NRS 2.125 is hereby amended to read as follows:

2.125 The Supreme Court may adopt rules providing for voluntary mediation with respect to ~~the~~

~~1. A homeowner who is not in default but is at risk of default.~~

~~2. A small business whose commercial property is in default. If the Supreme Court adopts such rules, the Supreme Court shall consider:~~

~~(a)~~ 1. The goals and purposes of the mediation process;

~~(b)~~ 2. The necessity, efficiency and desirability of allowing mediation for the various types of commercial property; and

~~(c)~~ 3. Any other factor that is relevant in determining whether allowing mediation under the circumstances is in the best interests of the residents, businesses and governmental entities in this State.

Section 9 of chapter 517, Statutes of Nevada 2015, at page 3330:

Sec. 9. Section 2 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 2. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5 ~~or~~ ~~6~~ or ~~7~~, 6, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

**WARNING! IF YOU FAIL TO PAY THE AMOUNT
SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR
HOME, EVEN IF THE AMOUNT IS IN DISPUTE!**

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the

association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,
↪ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless:

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not

been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

~~[7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:~~

~~—(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (c) of subsection 2 of NRS 107.086; or~~

~~—(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.]~~

Section 10 of chapter 517, Statutes of Nevada 2015, at page 3333:

Sec. 10. Section 8.5 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 8.5. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State and which is the mortgagee or beneficiary of a deed of trust under a residential mortgage loan shall provide to the Division of Financial Institutions the name, street address and any other contact

information of a person to whom ~~the~~

~~—(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.~~

~~—(b) A~~ a unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section ~~the~~

~~—(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.~~

~~—(b) "Residential"~~, "residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~[107.086.] 107.080.~~

Section 11 of chapter 517, Statutes of Nevada 2015, at page 3334:

Sec. 11. Any balance remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure before June 30, 2017, must be reverted to the State General Fund.

Section 12 of chapter 517, Statutes of Nevada 2015, at page 3334:

Sec. 12. NRS 40.437 and 107.086 are hereby repealed.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 485 provides a 30-day window from the enactment of Senate Bill No. 490 for certain homeowners to enroll in the Foreclosure Mediation Program and separates in statute the additional requirements for residential foreclosures from the provisions that apply to all real-property foreclosures.

Amendment adopted.

The following amendment was proposed by Senator Segerblom:

Amendment No. 583.

SUMMARY—Revises provisions relating to the Foreclosure Mediation Program. (BDR 9-488)

AN ACT relating to real property; revising provisions relating to the Foreclosure Mediation Program; requiring ~~the Housing Division of the Department of Business and Industry~~ Home Means Nevada, Inc., or its successor organization, to administer certain functions of the Program; replacing the Account for Foreclosure Mediation with the Account for Foreclosure Mediation Assistance; requiring the Interim Finance Committee to administer the Account; providing for the continuation of the Program; requiring the State Controller to transfer money remaining in the Account for

Foreclosure Mediation to the Account for Foreclosure Mediation Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the establishment of a program for foreclosure mediation and generally requires that mediation, unless waived, be conducted as a condition of a judicial foreclosure proceeding or the exercise of a power of sale affecting owner-occupied housing. (NRS 107.086) Existing law also authorizes a mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to a deed of trust concerning owner-occupied housing to initiate mediation under certain circumstances. (NRS 107.0865) Existing law also provides that in a judicial foreclosure action concerning owner-occupied property, the mortgagor may elect to participate in the program for foreclosure mediation. (NRS 40.437) The Nevada Supreme Court is required to adopt rules to implement the program for foreclosure mediation, commonly known as the Foreclosure Mediation Program, including designating an entity to serve as the Mediation Administrator. (NRS 40.437, 107.086)

Sections 2-5 of this bill revise provisions governing the Foreclosure Mediation Program. Section 2 removes the provision of existing law that requires the Nevada Supreme Court to designate an entity to serve as the Mediation Administrator and instead requires ~~the Housing Division of the Department of Business and Industry~~ Home Means Nevada, Inc., or its successor organization, to administer the Program. Section 2 requires ~~the Housing Division~~ Home Means Nevada, Inc., or its successor organization, to administer certain functions of the Program, including: (1) providing certain notices to certain grantors of a deed or persons who hold a title of record; (2) under certain circumstances, providing to the trustee a certificate which provides that mediation has been completed or is not required; and (3) serving upon certain persons a copy of a petition to participate in mediation, by certified mail. After mediation, section 2 requires ~~the Division~~ Home Means Nevada, Inc., or its successor organization, to submit to the district court the terms of any loan modification or settlement agreement. The district court is required to enter an order describing the terms of any such modification or agreement.

Sections 2-5 authorize certain grantors of a deed, persons who hold the title of record or mortgagors to petition the court to participate in the Foreclosure Mediation Program. Sections 2-5 require such a person who seeks to participate in the Program to: (1) pay a \$25 filing fee upon filing such a petition; (2) serve a copy of the petition upon certain persons by certified mail, return receipt requested; and (3) pay his or her share of the mediation fee. Section 2 increases the fee for mediation services from \$400 to \$600.

Existing law also creates the Account for Foreclosure Mediation, the money in which may be expended only for the purpose of supporting the Foreclosure Mediation Program. (NRS 107.080) Section 1 of this bill: (1) replaces the Account for Foreclosure Mediation with the Account for Foreclosure

Mediation Assistance; (2) requires the Account to be administered by the ~~[Housing Division of the Department of Business and Industry]~~ Interim Finance Committee; and (3) clarifies that the money collected for the Program may only be expended for the purpose of supporting the Program. Section 9 of this bill requires the State Controller to transfer all money remaining in the Account for Foreclosure Mediation to the newly established Account for Foreclosure Mediation Assistance.

Senate Bill No. 512 of the 2015 Legislative Session (S.B. 512) provided that the Foreclosure Mediation Program ends on June 30, 2017. Sections 8 and 11 of this bill remove the prospective expiration, thereby establishing a permanent Foreclosure Mediation Program. (Chapter 517, Statutes of Nevada 2015, p. 3334)

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

Section 1. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;
or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy

the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

➡ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time-share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2;

(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. Except as otherwise provided in subsection 7, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 30 days after the date on which the trustee's deed upon sale is recorded pursuant to subsection 10 in the office of the county recorder of the county in which the property is located; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 5 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 90 days after the date of the sale.

7. Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➡ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

9. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

10. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whoever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 10, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 10 and for reasonable attorney's fees and the costs of bringing the action.

13. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure ~~[Mediation,]~~ *Mediation Assistance*, which is hereby created in the State General Fund. The Account must be administered by the ~~[Court Administrator, Housing Division of the Department of Business and Industry,]~~ *Interim Finance Committee* and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation . ~~[established by Supreme Court Rule.]~~

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

14. The fees collected pursuant to paragraphs (a) and (b) of subsection 13 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure *Mediation Assistance* as prescribed pursuant to subsection 13. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 13.

15. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 13.

16. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 2. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection and subsection 4 of NRS 107.0865, in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing ~~and for which a notice of default and election to sell is mailed on or before December 1, 2016, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080~~ is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) *Contact information which the grantor or the person who holds the title of record may use to serve notice as required pursuant to subsection 3 if the grantor or person who holds the title does not elect to waive mediation;*

(3) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

~~{{3}}~~ (4) A notice provided by ~~the Mediation Administrator Division~~ Home Means Nevada, Inc., or its successor organization, indicating that the grantor or the person who holds the title of record ~~will be enrolled~~ *may petition the district court to participate in mediation pursuant to this section if he or she files such a petition, pays a \$25 filing fee, serves a copy of the petition upon the beneficiary of the deed, the Division, Home Means Nevada, Inc., or its successor organization, and the trustee by certified mail, return receipt requested, and pays to the Mediation Administrator district court his or her share of the fee established pursuant to subsection 11; 12; and*

~~{{4}}~~ (5) A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to ~~the Mediation Administrator, Division~~ Home Means Nevada, Inc., or its

successor organization, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon ~~the Mediation Administrator, Division,~~ Home Means Nevada, Inc., or its successor organization;

(d) If the owner-occupied housing is located within a common-interest community, notifies the unit-owners' association of the common-interest community, not later than 10 days after mailing the copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080, that the exercise of the power of sale is subject to the provisions of this section; and

(e) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by ~~the Mediation Administrator, Division,~~ Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by ~~the Mediation Administrator, Division,~~ Home Means Nevada, Inc., or its successor organization, pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080 , ~~for December 31, 2016, whichever is earlier,~~ complete the form required by subparagraph ~~((4))~~ (5) of paragraph (a) of subsection 2 and return the form to the trustee and ~~the Mediation Administrator, Division,~~ Home Means Nevada, Inc., or its successor organization, by certified mail, return receipt requested. If the grantor or the person who holds the title of record does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080 , ~~for December 31, 2016, whichever is earlier, pay to the Mediation Administrator,~~ petition the district court to participate in mediation pursuant to this section, at the time of filing such a petition, pay to the clerk of the court a fee of \$25 and his or her share of the fee established pursuant to subsection ~~[11.]~~ 12. The grantor or the person who holds the title of record shall serve shall serve a copy of the petition, by certified mail, return receipt requested, upon the beneficiary of the deed of trust and ~~the Division,~~ Home Means Nevada, Inc., or its successor organization. Upon receipt of the ~~share of the fee established pursuant to subsection 11 owed by the grantor or~~

~~the person who holds title of record,] copy of the petition, [the Mediation Administrator Division]~~ Home Means Nevada, Inc., or its successor organization, shall notify the trustee ~~[,] and every other person with an interest as defined in NRS 107.090,~~ by certified mail, return receipt requested, of the ~~[enrollment]~~ petition of the grantor or person who holds the title of record to participate in mediation pursuant to this section . ~~[and] Upon receipt of a petition pursuant to this section, the district court~~ shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~[The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation.]~~ If the grantor or person who holds the title of record ~~[is enrolled]~~ satisfies the requirements of this subsection to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph ~~[(4)]~~ (5) of paragraph (a) of subsection 2 an election to waive mediation ~~[or,] fails to petition the district court pursuant to subsection 3 or fails to pay to the [Mediation Administrator]~~ district court his or her share of the fee established pursuant to subsection ~~[11,] 12~~ as required by subsection 3, ~~[the Mediation Administrator Division]~~ Home Means Nevada, Inc., or its successor organization, shall, not later than 60 days after ~~[the Mediation Administrator Division]~~ Home Means Nevada, Inc., or its successor organization, receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~[11,] 12~~. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note , ~~[and]~~ each assignment of the deed of trust or mortgage note ~~[,] and any documents created in connection with a loan modification.~~ If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by

subsection 5, the mediator shall prepare and submit to the ~~{Mediation Administrator}~~ *district court* a ~~{petition and}~~ recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, the ~~{Mediation Administrator}~~ *district court shall dismiss the petition.* ~~{The Division}~~ Home Means Nevada, Inc., or its successor organization, shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the ~~{Mediation Administrator}~~ *district court* a recommendation that the ~~{matter be terminated,}~~ *petition be dismissed. The court may dismiss the petition and if the petition is dismissed, transmit a copy of the order of dismissal to* ~~{the Division. The Mediation Administrator Division}~~ Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization, shall, not later than 30 days after ~~{submittal of the mediator's recommendation that the matter be terminated,}~~ receipt of such an order, provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. *If the parties agree to a loan modification or settlement, the mediator shall notify the district court. Upon receipt of such notification, the court shall enter an order describing the terms of any loan modification or settlement agreement.*

10. Upon receipt of the certificate provided to the trustee by ~~{the Mediation Administrator Division}~~ Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall, not later than 10 days after receipt of the certificate, notify the unit-owners' association of the existence of the certificate.

~~{10.}~~ 11. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

~~{11.}~~ 12. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) ~~{Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.~~

~~—(b)—~~ Ensuring that mediations occur in an orderly and timely manner.

~~{(c)}~~ (b) Requiring each party to a mediation to provide such information as the mediator determines necessary.

~~{(d)}~~ (c) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

~~{(e)}~~ (d) Establishing a total fee of not more than ~~[\$400]~~ \$600 that may be charged and collected by the ~~[Mediation Administrator]~~ district court for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

~~{12.}~~ (e) *Prescribing a form supplied by the district court to file a petition to participate in mediation pursuant to this section.*

13. Except as otherwise provided in subsection ~~{14.}~~ 15, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~{13.}~~ 14. A noncommercial lender is not excluded from the application of this section.

~~{14.}~~ 15. ~~[The Mediation Administrator and each]~~ Each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~{15.}~~ 16. Home Means Nevada, Inc., or its successor organization, shall, at least once each calendar quarter, submit to the Interim Finance Committee a report:

(a) Concerning the status of the Account for Foreclosure Mediation Assistance; and

(b) Any other information required by the Interim Finance Committee.

17. The Administrator of the Division of Internal Audits of the Office of Finance shall cause to be conducted, not less than annually, an audit of Home Means Nevada, Inc., or its successor organization.

18. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) ~~["Mediation Administrator" means the entity so designated pursuant to subsection 11. "Division" means the Housing Division of the Department of Business and Industry.~~

~~—(c)—~~ "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

~~{(d)}~~ (c) "Obligation" has the meaning ascribed to it in NRS 116.310313.

~~[(c)]~~ (d) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

~~[(d)]~~ (e) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

~~[(e)]~~ (f) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 3. NRS 107.0865 is hereby amended to read as follows:

107.0865 1. A mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to any trust agreement which concerns owner-occupied housing may initiate mediation to negotiate a loan modification under the mediation process set forth in NRS 107.086 if : ~~[-, on or before December 31, 2016;-]~~

(a) A local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record:

- (1) Has a documented financial hardship; and
- (2) Is in imminent risk of default; and

(b) The mortgagor, grantor or person who holds the title of record:

(1) ~~[-Submits a form prescribed by the Mediation Administrator-]~~ *Files a petition with the district court* indicating an election to enter into mediation pursuant to this section; ~~[-and-]~~

(2) *At the time of filing such a petition, pays to the clerk of the court a fee of \$25;*

(3) Pays to the ~~[-Mediation Administrator-]~~ district court his or her share of the fee established pursuant to subsection ~~[-11-]~~ 12 of NRS 107.086 ~~[-;-]~~ ; and

(4) *Serves a copy of the petition upon ~~[-the Division-]~~ Home Means Nevada, Inc., or its successor organization, and the beneficiary of the deed of trust, by certified mail, return receipt requested.*

2. Upon ~~[-satisfaction of the requirements of-]~~ receipt of a copy of a petition pursuant to subsection 1, ~~[-the Mediation Administrator-Division-]~~ Home Means Nevada, Inc., or its successor organization, shall notify the mortgage servicer, by certified mail, return receipt requested, of the ~~[-enrollment-]~~ petition of the mortgagor, grantor or person who holds the title of record to participate in mediation pursuant to this section . ~~[-and-]~~ Upon receipt of a copy of a petition pursuant to subsection 1, the district court shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~[-The mortgage servicer-Division-]~~ Home Means Nevada, Inc., or its successor organization, shall notify ~~[-the mortgagee or the beneficiary of the deed of trust, as applicable, and-]~~ every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the ~~[-enrollment-]~~ petition of the mortgagor, grantor or person who holds the title of record to participate in mediation.

3. Each mediation required by this section must be conducted in conformity with the requirements of subsections 5 and 6 of NRS 107.086.

4. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the ~~the Mediation Administrator~~ *district court* a recommendation that the ~~matter be terminated,~~ *petition be dismissed. The court may dismiss the petition and transmit a copy of the order of dismissal to* ~~the Division. The Mediation Administrator Division~~ *Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization* shall, not later than 30 days after ~~submittal of the mediator's recommendation that the matter be terminated,~~ *receipt of the order of dismissal*, provide to the mortgage servicer a certificate which provides that the mediation required by this section has been completed in the matter. If ~~the Mediation Administrator Division~~ *Home Means Nevada, Inc., or its successor organization*, provides such a certificate, the requirement for mediation pursuant to NRS 107.086 is satisfied.

5. The certificate provided pursuant to subsection 4 must be in the same form as the certificate provided pursuant to subsection 8 of NRS 107.086, and may be recorded in the office of the county recorder in which the trust property, or some part thereof, is situated. The recording of the certificate in the office of the county recorder in which the trust property, or some part thereof, is situated shall be deemed to be the recording of the certificate required pursuant to subparagraph (2) of paragraph (e) of subsection 2 of NRS 107.086.

6. A noncommercial lender is not excluded from the application of this section.

7. ~~The Mediation Administrator Division~~ *Home Means Nevada, Inc., or its successor organization*, and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

8. As used in this section:

(a) ~~["Division" means the Housing Division of the Department of Business and Industry.~~

~~(b)~~ "Financial hardship" means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

- (1) The death of the borrower or co-borrower;
- (2) Serious illness;
- (3) Divorce or separation; or
- (4) Job loss or a reduction in pay.

~~(c)~~ ~~(e)~~ "Imminent risk of default" means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

~~(c)~~ ~~["Mediation Administrator" has the meaning ascribed to it in NRS 107.086.~~

~~(d)~~ "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

~~[(c)]~~ (d) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 4. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which ~~the Mediation Administrator, as defined in NRS 107.086, Housing Division of the Department of Business and Industry, Home Means Nevada, Inc., or its successor organization,~~ issues the certificate pursuant to NRS 107.086 that mediation has been completed in the matter;

(c) If mediation pursuant to NRS 40.437 is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530, and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 5. NRS 40.437 is hereby amended to read as follows:

40.437 1. An action pursuant to NRS 40.430 affecting owner-occupied housing that is commenced in a court of competent jurisdiction ~~[on or before December 1, 2016,]~~ is subject to the provisions of this section.

2. In an action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by ~~[the Mediation Administrator Division]~~ Home Means Nevada, Inc., or its successor organization, indicating that the mortgagor ~~[will be enrolled]~~ *may petition the court* to participate in mediation pursuant to this section if he or she pays to the ~~[Mediation Administrator]~~ *court* his or her share of the fee established pursuant to subsection ~~[11]~~ 12 of NRS 107.086; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to ~~[the Mediation Administrator, Division]~~ Home Means Nevada, Inc., or its successor organization, which the mortgagor may use to comply with the provisions of subsection 3; and

(b) The plaintiff must submit a copy of the complaint to ~~[the Mediation Administrator, Division]~~ Home Means Nevada, Inc., or its successor organization.

3. If the mortgagor elects to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, ~~[for December 31, 2016, whichever is earlier,]~~ complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor does not elect to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, pay to the ~~[Mediation Administrator]~~ *court* his or her share of the fee established pursuant to subsection ~~[11]~~ 12 of NRS 107.086. Upon receipt of the share of the fee established pursuant to subsection ~~[11]~~ 12 of NRS 107.086 owed by the mortgagor, the ~~[Mediation Administrator]~~ *court* shall notify the plaintiff, by certified mail, return receipt requested, of the ~~[enrollment]~~ *grant of the petition* of the mortgagor to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. Upon the plaintiff's receipt of such notice, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to participate in mediation. The judicial foreclosure action must be

stayed until the completion of the mediation. If the mortgagor indicates on the form required by subparagraph (4) of paragraph (a) of subsection 2 of his or her election to waive mediation or fails to pay the ~~Mediation Administrator~~ court his or her share of the fee established pursuant to subsection ~~11~~ 12 of NRS 107.086, as required by this subsection, no mediation is required in the action and the action pursuant to NRS 40.430 must proceed.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~11~~ 12 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the ~~Mediation Administrator and the~~ court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the mortgagor is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had elected to waive mediation.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court ~~and the Mediation Administrator~~ a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

8. The rules adopted by the Supreme Court pursuant to subsection ~~11~~ 12 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not

entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. ~~Each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.~~ *Each* mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) ~~["Mediation Administrator" has the meaning ascribed to it in NRS 107.086. "Division" means the Housing Division of the Department of Business and Industry.~~

~~(b)~~ "Mortgagor" includes the grantor of a deed of trust or the person who holds the title of record to the real property.

~~(c)~~ *(b)* "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

~~(d)~~ *(c)* "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 6. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting

the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➡ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless:

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the

notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:

(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection [10] 11 of NRS 107.086.

Sec. 7. Section 10.5 of chapter 517, Statutes of Nevada 2015, at page 3334, is hereby amended to read as follows:

Sec. 10.5. If the ~~[Court Administrator-Housing Division of the Department of Business and Industry]~~ Interim Finance Committee determines that money in the Account for Foreclosure Mediation Assistance created by NRS 107.080 is not sufficient to support the mediation process set forth in NRS 107.086, as amended by section 2.5 of this act, and the mediation process set forth in section 1 of this act, ~~[the Court Administrator-Housing Division]~~ Home Means Nevada, Inc., or its successor organization, may submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation Assistance for such purpose.

Sec. 8. Section 13 of chapter 517, Statutes of Nevada 2015, at page 3334, is hereby amended to read as follows:

Sec. 13. 1. This section and sections 2.5, 8.5, 10.5 and 11 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval. ~~[and expires by limitation on June 30, 2017.]~~

~~3. Sections 1.5, 2, 3 to 8, inclusive, 9, 10 and 12 of this act become effective on June 30, 2017.~~

~~4. Section 10.5 of this act expires by limitation on June 30, 2017.]~~

Sec. 9. The State Controller shall transfer to the Account for Foreclosure Mediation Assistance created by NRS 107.080, as amended by section 1 of

this act, as soon as practicable on or after the effective date of this act, all money remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure.

Sec. 10. The amendatory provisions of this act apply to any person who otherwise could have enrolled in the Foreclosure Mediation Program after December 31, 2016, or was mailed a notice of default and election to sell after December 2, 2016.

Sec. 11. Sections 1.5, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of chapter 517, Statutes of Nevada 2015, at pages 3317, 3322, 3327, 3328, 3330, 3333 and 3334, are hereby repealed.

Sec. 12. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

Section 1.5 of chapter 517, Statutes of Nevada 2015, at page 3317:

Sec. 1.5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210 ~~and~~ 107.085, ~~and 107.086,~~ if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing, ~~as defined in NRS 107.086,~~ the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the

recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

↪ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time-share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the

notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2;

(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS ~~[107.086 and]~~ 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 45 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 15 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 60 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,
☛ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) ~~[A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.]~~

~~—(c)]~~ A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to ~~[paragraphs]~~ paragraph (a) ~~and (b)]~~ of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund ~~. for the Account for Foreclosure Mediation as prescribed pursuant to subsection 11.]~~ The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees

deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund . ~~{or the Account as prescribed in subsection 11.}~~

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) *"Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.*

(b) *"Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":*

(1) *Means a structure that is comprised of not more than four units.*

(2) *Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.*

~~{(b)}~~ (c) *"Trustee" means the trustee of record.*

Section 2 of chapter 517, Statutes of Nevada 2015, at page 3322:

Sec. 2. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS ~~{107.086.}~~ 107.080.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS ~~107.086~~ 107.080:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Section 3 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 3. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS ~~107.086,~~ 107.080, the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Section 4 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 4. NRS 107.450 is hereby amended to read as follows:

107.450 "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~107.086,~~ 107.080.

Section 5 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 5. NRS 107.460 is hereby amended to read as follows:

107.460 The provisions of NRS 107.400 to 107.560, inclusive, do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS ~~107.086,~~ 107.080.

Section 6 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 6. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 107.085, ~~and 107.086,~~ the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Section 7 of chapter 517, Statutes of Nevada 2015, at page 3328:

Sec. 7. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) ~~If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;~~

~~— (c) If [mediation pursuant to NRS 40.437 is required or if] a court orders participation in a settlement program, until the date on which the [mediation or] participation in a settlement program is terminated; or~~

~~[(d)]~~ (c) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530,

and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Section 8 of chapter 517, Statutes of Nevada 2015, at page 3328:

Sec. 8. NRS 2.125 is hereby amended to read as follows:

2.125 The Supreme Court may adopt rules providing for voluntary mediation with respect to ~~the~~

~~1. A homeowner who is not in default but is at risk of default.~~

~~2. A small business whose commercial property is in default.~~ If the Supreme Court adopts such rules, the Supreme Court shall consider:

~~(a)~~ 1. The goals and purposes of the mediation process;

~~(b)~~ 2. The necessity, efficiency and desirability of allowing mediation for the various types of commercial property; and

~~(c)~~ 3. Any other factor that is relevant in determining whether allowing mediation under the circumstances is in the best interests of the residents, businesses and governmental entities in this State.

Section 9 of chapter 517, Statutes of Nevada 2015, at page 3330:

Sec. 9. Section 2 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 2. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5 ~~6~~ or ~~7~~, 6, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with

subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➡ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due

obligation from a unit's owner or his or her successor in interest unless:

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

~~{7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:~~

~~—(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (c) of subsection 2 of NRS 107.086; or~~

~~—(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure~~

~~mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.]~~

Section 10 of chapter 517, Statutes of Nevada 2015, at page 3333:

Sec. 10. Section 8.5 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 8.5. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State and which is the mortgagee or beneficiary of a deed of trust under a residential mortgage loan shall provide to the Division of Financial Institutions the name, street address and any other contact information of a person to whom ~~[-~~

~~—(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.~~

~~—(b) A] a unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.~~

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section ~~[-~~

~~—(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.~~

~~—(b) "Residential], "residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS [107.086.] 107.080.~~

Section 11 of chapter 517, Statutes of Nevada 2015, at page 3334:

Sec. 11. Any balance remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure before June 30, 2017, must be reverted to the State General Fund.

Section 12 of chapter 517, Statutes of Nevada 2015, at page 3334:

Sec. 12. NRS 40.437 and 107.086 are hereby repealed.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 583 to Senate Bill No. 490 replaces the Housing Division with Home Means Nevada Inc., a non-profit organization, and requires the Interim Finance Committee to administer the account for the foreclosure-mediation assistances. It will start with a balance of \$500,000.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 120.

SUMMARY—Revises provisions relating to forestry. (BDR 47-492)

AN ACT relating to forestry; revising provisions governing ~~[variances for certain]~~ logging and related activities; ~~[near bodies of water;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes minimum standards for forest practices and procedural requirements with which timber owners and operators are required to comply when conducting logging operations. (NRS 528.010-528.090) For purposes of the applicability of these standards and requirements, sections 1.3 and 1.7 of this bill define "logging operation" and "timber owner."

Existing law prohibits certain activities, including the felling of trees, from occurring within 200 feet from a body of water unless a variance is obtained from a committee consisting of the State Forester Firewarden, the Director of the Department of Wildlife and the State Engineer. (NRS 528.053) This bill clarifies that the requirement for obtaining a variance only applies to a logging operation. ~~[and does not apply to certain activities related to the prevention or reduction of the impact of a wildfire on a building or structure.]~~

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

Section 1. Chapter 528 of NRS is hereby amended by adding thereto ~~to a new section to read as follows;~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. "Logging operation" means the ~~[felling]~~ commercial harvesting of trees ~~[and the carrying, dragging or otherwise conveying of the logs to a site for]~~ by a timber owner or the agent of a timber owner by felling, skidding, forwarding or yarding, onsite processing and loading of trees or logs onto trucks.

~~[The term does not include the cutting or felling of trees within the immediate vicinity of a building or other structure to prevent or reduce the impact of a wildfire on the building or structure.]~~

Sec. 1.7. "Timber owner" means a person or entity who owns a tree-dominated landscape which is naturally capable of supporting adequately stocked stands of native trees in perpetuity, and is not otherwise devoted to nonforestry commercial or urban uses.

Sec. 2. NRS 528.010 is hereby amended to read as follows:

528.010 NRS 528.010 to 528.090, inclusive, and ~~[section 1]~~ sections 1.3 and 1.7 of this act may be cited as the Nevada Forest Practice Act of 1955.

Sec. 3. NRS 528.012 is hereby amended to read as follows:

528.012 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 528.013 to 528.027, inclusive, and ~~section 1.7~~ sections 1.3 and 1.7 of this act have the meanings ascribed to them in such sections.

Sec. 4. NRS 528.053 is hereby amended to read as follows:

528.053 1. No felling of trees, skidding, rigging or construction of tractor or truck roads or landings, or the operation of *such* vehicles, may take place *during a logging operation* within 200 feet, measured on the slope, of the high-water mark of any lake, reservoir, stream or other body of water unless a variance is first obtained from a committee composed of the State Forester Firewarden, the Director of the Department of Wildlife and the State Engineer.

2. The committee may grant a variance authorizing any of the activities prohibited by subsection 1 within a 200-foot buffer area if the committee determines that the goals of conserving forest resources and achieving forest regeneration, preserving watersheds, reaching or maintaining water quality standards adopted by federal and state law, continuing water flows, preserving and providing for the propagation of fish life and stream habitat and preventing significant soil erosion will not be compromised.

3. In acting on a request for such variances, the committee shall consider the following factors:

(a) The extent to which such requested activity is consistent with good forestry management for the harvesting of timber;

(b) The extent to which such requested activity significantly impedes or interrupts the natural volume and flow of water;

(c) The extent to which such requested activity significantly affects a continuation of the natural quality of the water pursuant to state and federal water quality standards;

(d) The extent to which such requested activity is consistent with the prevention of significant soil erosion;

(e) The extent to which such requested activity may significantly obstruct fish passage, cause sedimentation in fish spawning areas, infringe on feeding and nursing areas and cause variations of water temperatures; and

(f) The filtration of sediment-laden water as a consequence of timber harvesting on adjacent slopes.

Sec. 4.3. NRS 528.070 is hereby amended to read as follows:

528.070 The fire prevention and suppression practices of every timber owner or operator conducting logging operations in this State shall conform to the following:

1. All such *timber* owners or operators shall fell all snags over 20 feet in height which are 16 inches d.b.h. or larger concurrently with the felling of live merchantable timber on forest lands in this State. However, in salvaging fire-killed or insect-killed timber where the average number of snags, after

logging, will be greater than four per acre, the timber owner or operator shall dispose of only an average of four snags per acre.

2. All limbs from unutilized portions of trees and reproduction, felled or knocked down by logging or construction, within 100 feet of the traveled surface of any public road and main logging roads shall be lopped and scattered currently in the course of operations. In areas where a timber owner or operator chooses to pile and burn lopped slash, the slash shall be piled and burned where the burning will not damage residual trees or reproduction. The piled slash shall be burned at a safe time as determined by the State Forester Firewarden. Piles that fail to burn clean shall be repiled and burned. All reasonable precautions shall be taken to confine such burning to the piled slash.

Sec. 4.5. NRS 528.080 is hereby amended to read as follows:

528.080 1. Every timber owner or operator operating during the fire season shall have a fire protection organization and program for the prevention and suppression of fires on operating areas. The timber owner or operator shall make immediate and continuing attack on all forest fires occurring in his or her operating area and upon adjacent lands owned or controlled by the operator, employing his or her normal logging crew and equipment to the extent necessary to suppress such fires, and he or she shall observe the following practices:

(a) Perform loading, equipment servicing, welding and other hazardous operations over bare ground that extends at least 10 feet on all sides from such operations.

(b) Obtain permits for blasting from the local forest officer, as required by law. A worker shall remain on the scene for at least 1 hour following any blasting.

(c) Each year the timber owner or operator shall give written notice to the State Forester Firewarden of the timber owner's or operator's intent to commence logging operations on a specified area, prior to the commencement of operations. The State Forester Firewarden shall then furnish a standard fire plan form which the operator shall fill out and return to the State Forester Firewarden not later than 10 days prior to commencement of operations.

2. The fire plan shall be observed and shall include at least the following:

(a) Names of all personnel having responsibility in fire suppression, indicating their duties and line of authority.

(b) Location and number of persons ordinarily available for fire fighting.

(c) Arrangement for receiving reports of fires at any and all times during the dry season, and arrangement for summoning the crew both on and off shift.

(d) Lists showing the type, number and location of tools and equipment reserved for use only on fires, and, also, those units of regular operating equipment that may be used for fire fighting.

(e) Legal description of logging area.

3. The State Forester Firewarden may promulgate such additional reasonable rules and regulations as he or she may deem necessary.

Sec. 4.7. NRS 528.082 is hereby amended to read as follows:

528.082 1. Any ~~[person, firm, partnership, association or corporation owning timberland which]~~ timber owner whose timberland is to be devoted to any use other than the growing of timber shall file an application for a timberland conversion certificate with the State Forester Firewarden.

2. Such application shall be on a form prescribed by the State Forester Firewarden and shall include the following information:

(a) The name of the ~~[timberland owner of record]~~ timber owner and his or her address.

(b) The legal description of the land to be converted.

(c) The approximate number of acres to be converted.

Sec. 5. NRS 528.090 is hereby amended to read as follows:

528.090 Any person who violates any of the provisions of NRS 528.010 to 528.090, inclusive, ~~and [section 1]~~ sections 1.3 and 1.7 of this act or any of the rules or regulations made under the authority of NRS 528.010 to 528.090, inclusive, ~~and [section 1]~~ sections 1.3 and 1.7 of this act is guilty of a misdemeanor.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 120 to Senate Bill No. 499 defines "logging operation" and "timber owner" for purposes of the applicability of certain standards for forest practices.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 3.

Resolution read second time.

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

Amendment No. 514.

SUMMARY—Proposes to amend the Nevada Constitution to provide certain rights to voters. (BDR C-55)

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide certain rights to voters.

Legislative Counsel's Digest:

Existing law provides voters with certain rights. (NRS 293.2546) This resolution proposes to amend the Nevada Constitution by adding a new section to Article 2 to provide ~~those~~ similar rights in the Nevada Constitution.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 1A, be added to Article 2 of the Nevada Constitution to read as follows:

Sec. 1A. Each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote during any period for early voting or on election day if the voter is waiting in line at ~~this or her~~ a polling place at which, by law, the voter is entitled to vote at the time that the polls close and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during any period for early voting or on election day.

9. To equal access to the elections system without discrimination, including, without limitation, discrimination on the basis of race, age, disability, military service, employment or overseas residence.

10. To a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 514 to Senate Joint Resolution No. 3 adds clarifying language to account for the use of "vote centers" as part of the current early-voting process and to ensure that the resolution does not preclude this form of voting, if approved, on Election Day in the future, and adds the term "military service" to the list of categories about which discrimination would be prohibited as it relates to the equal access of voting. The term "military" also matches the declaration voters' rights set forth in the Nevada Revised Statutes.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 4.

Resolution read second time.

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

Amendment No. 508.

SUMMARY—Urges Congress to propose an amendment to the United States Constitution to allow the reasonable regulation of ~~independent~~ political contributions and expenditures by corporations ~~fr~~, unions and individuals to protect the integrity of elections and the equal right of all Americans to effective representation. (BDR R-777)

SENATE JOINT RESOLUTION—Urging Congress to propose an amendment to the United States Constitution to allow the governments of the United States and the individual states to regulate and ~~restrict~~ limit independent political contributions and expenditures ~~by corporations;~~ to protect the integrity of elections and the equal right of all Americans to effective representation.

WHEREAS, The growing influence of large independent political expenditures ~~by corporations~~ is a great and growing concern to the people of the United States and the State of Nevada; and

WHEREAS, In a democracy, the assurance of a fair and uncorrupted election process is of the utmost importance, and the Nevada Legislature believes that it is a legitimate and vital role of government to regulate ~~independent~~ political expenditures ~~by corporations;~~ in an even-handed manner; and

WHEREAS, In fulfillment of this important role, the government of the United States and a majority of states have regulated and ~~restricted~~ limited independent and other political contributions and expenditures; ~~by corporations;~~ and

WHEREAS, The Supreme Court of the United States in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), held that the First Amendment to the United States Constitution prohibits Congress and the states from ~~banning~~ limiting or restricting independent political expenditures by corporations ~~and~~ and unions; and

WHEREAS, *Citizens United* overturned a long-standing precedent of ~~restricting~~ allowing regulation of independent political expenditures; ~~by corporations;~~ and

WHEREAS, *Citizens United* has served as a precedent for further legal decisions which have harmed our democratic system of government, including *American Tradition Partnership v. Bullock*, ~~132 S.Ct. 2490~~, 567 U.S. 516 (2012), which struck down a long-standing Montana campaign finance law, denying a state the right to regulate independent political expenditures by corporations in state elections ~~and~~ and *McCutcheon v. Federal Election Commission*, 134 S.Ct. 1434 (2014), which struck down aggregate individual contribution limits; and

WHEREAS, The people of Nevada and all other states should have the power to limit by law the influence of money in their political systems; and

WHEREAS, In the wake of *Citizens United*, there has been an exponential increase in large ~~independent~~ political contributions and expenditures ~~by corporations;~~ which threatens the integrity of the election process, corrupts our candidates, dilutes the power of individual voters and distorts the public discourse; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 79th Session of the Nevada Legislature hereby urge the Congress of the United States to propose an amendment to the United States Constitution to allow the governments of the

United States and the individual states to regulate ~~and restrict independent~~ political contributions and expenditures; ~~by corporations;~~ and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 508 to Senate Joint Resolution No. 4 adds language to better clarify and broaden the scope of the resolution as it relates to all political contributions, not just independent expenditures, and the States' ability to regulate reasonably such political contributions and expenditures.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 225, 244, 341, 467, 490 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Ford moved that the Senate recess until 5:00 p.m.

Motion carried.

Senate in recess at 3:03 p.m.

SENATE IN SESSION

At 6:52 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 212, 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 213, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

MOISES DENIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 462, 471, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 59, 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was re-referred Senate Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 387, 396, 398, 402, 405, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 84, 144, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 352, 414, 419, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 608 to Senate Bill No. 101; Amendment No. 578 to Senate Bill No. 146; Amendment No. 611 to Senate Bill No. 484; Amendment No. 614 to Senate Bill No. 509.

KELVIN ATKINSON, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 341, 467.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 189.

Bill read second time.

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

Amendment No. 88.

SUMMARY—Revises provisions relating to child care facilities. (BDR 38-61)

AN ACT relating to public welfare; revising the amount and type of training that an employee of a child care facility is required to complete; setting forth certain requirements relating to services performed by an independent contractor at a child care facility; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to establish a system of rating child care facilities; revising provisions concerning ~~the frequency and timing of~~ certain background investigations required to be conducted by the Division ~~of Public and Behavioral Health of the Department of Health and Human Services;~~ authorizing the imposition of administrative sanctions against a child care facility for certain violations; requiring the Legislative Auditor to report certain findings of an audit of a public or private facility for children to a licensing entity or the Division of Child and Family Services of the Department; requiring a licensing entity to conduct reviews of a child care facility after a legislative audit in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to: (1) complete 15 hours of training annually if the facility provides care for 5 or more children but less than 12 children; and (2) complete at least 24 hours of training annually if the facility provides care for more than 12 children. Existing law provides that at least 2 hours of the required training must be devoted to lifelong wellness, health and safety of children. (NRS 432A.024, 432A.1775) Section 7 of this bill requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to complete 24 hours of training annually. Section 7 also requires at least 12 hours of that training to be devoted to the care, education and safety of children that is: (1) specific to the age group served by the child care facility in which the person is employed; and (2) approved by the State Board of Health by regulation. Section 3 of this bill requires each person who is employed in a child care facility to complete an additional 2 hours of training in the recognition and reporting of ~~child abuse and neglect.~~ the abuse or neglect of a child.

Existing law, with certain exceptions, defines a "child care facility" to include an on-site child care facility, a child care institution, an outdoor youth program, and an establishment that is operated and maintained for the purpose of furnishing care to five or more children under 18 years of age, if compensation is received for the care of any of those children. (NRS 432A.024) Section 2 of this bill defines "child care facility" for the purposes of the training requirements set forth in sections 3 and 7 to also include an establishment that is operated and maintained for the purpose of furnishing care to fewer than five children under 18 years of age, if compensation is received for the care of any of those children.

Section 4 of this bill requires a licensee of a child care facility to ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.

Existing law provides for the licensure of certain child care facilities. (NRS 432A.131-432A.220) As part of the process of obtaining a license to operate a child care facility, the Division of Public and Behavioral Health of the Department of Health and Human Services is required to request a background check of certain employees, residents and participants of facilities and prohibit unsupervised contact with a child pending the results of a background investigation. The Division is also required to request a background check 5 years after the initial background check and every 5 years thereafter. Both the initial background check and the subsequent background check consist of information secured from the Federal Bureau of Investigation and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. (NRS 432A.170, 432A.175) Section 5 of this bill: (1) requires ~~the Division to request additional~~ background checks of those employees, residents and participants of facilities ~~that consist of~~ to also include information secured from the Central Repository for Nevada Records of Criminal History and the Statewide Central Registry; (2) expands the list of crimes that are included in the background checks of those employees, residents and participants of facilities; and (3) requires the Division to request the information for an initial background check of an employee before the employee has any direct contact with any child at the child care facility. Section 6 of this bill requires an employee of an applicant for a license to operate a child care facility or licensee, resident or participant to notify the applicant or licensee not later than 24 hours after: (1) being charged with or convicted of certain crimes; (2) being investigated for child abuse or neglect; or (3) a report of abuse or neglect against him or her is substantiated. Section 6 also requires an applicant or licensee who receives such notice to notify the Division within 24 hours. Finally, section 6 requires the Division to establish civil penalties for violations of these requirements.

Existing law requires an applicant for or the holder of a license to operate a child care facility to terminate the employment of certain employees, residents and participants upon receiving information that the employee, resident or participant has been convicted of certain crimes or had a substantiated report of child abuse or neglect made against him or her. (NRS 432A.1755) Section 6.5 of this bill requires the Division to establish civil penalties to be imposed against an applicant or licensee who violates this requirement.

Existing law requires the Chief Medical Officer or his or her designee to conduct an annual inspection of a child care facility to ensure compliance with standards for health and sanitation. (NRS 432A.180) Section 7.2 of this bill expands the scope of this inspection to include the enforcement of laws and regulations concerning the health, safety and welfare of children in the care of

the facility. Section 4.2 of this bill requires the Division to establish by regulation a rating system which assigns a letter grade to a facility based on such an inspection. Section 4.2 also requires the grade to be posted on an Internet website maintained by the Division and in a conspicuous place near each entrance to the facility that is regularly used by the public.

Existing law authorizes the Division to deny, suspend or revoke a license to operate a child care facility upon a violation by an applicant or licensee or an employee of the applicant or licensee of any applicable law or regulation. (NRS 432A.190) Sections 4.5 and 4.7 of this bill authorize the Division to impose certain other administrative sanctions against a licensee who violates any law or regulation related to the licensure of a child care facility.

Existing law authorizes the Division to bring an action to enjoin a person or governmental entity from operating a child care facility without a valid license. (NRS 432A.210) Section 7.8 of this bill requires the Division to issue an order to cease and desist operating the facility without a license before bringing such an action. If a court finds that a person or governmental entity is operating a child care facility without a valid license, section 7.8 authorizes the court to impose a civil penalty in addition to issuing an injunction.

Existing law requires the Legislative Auditor to inspect, review and survey facilities for children which have physical custody of children pursuant to the order of a court. (NRS 218G.570-218G.585) If the Legislative Auditor concludes that such a facility has deficiencies in policies and procedures that could be detrimental to the health, safety or welfare of children in the care of the facility or violate the rights of such children, section 8.5 of this bill requires the Legislative Auditor to provide a copy of that report to the entity responsible for licensing the facility or, if the facility is not required to obtain a license, to the Division of Child and Family Services of the Department. If the facility is a child care facility governed by chapter 432A of NRS, section 8.7 of this bill requires the licensing entity to conduct follow-up reviews and provide notice of its findings to the Legislative Auditor and, in certain circumstances, to governmental agencies that place children in the facility and the public.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~3 and 4~~ to 4.7, inclusive, of this act.

Sec. 2. As used in this section, NRS 432A.1775 and section 3 of this act, unless the context otherwise requires, "child care facility":

1. Has the meaning ascribed to it in NRS 432A.024; and
2. Includes an establishment described in paragraph (a) of subsection 1 of NRS 432A.024 that is operated and maintained for the purpose of furnishing care to fewer than five children under 18 years of age, if compensation is received for the care of any of those children.

Sec. 3. Each person who is employed in a child care facility shall complete at least 2 hours of training in the recognition and reporting of ~~child~~

~~abuse and neglect;~~ the abuse or neglect of a child, as defined in NRS 432B.020:

1. Within 90 days after commencing his or her employment in a child care facility; and

2. At least once every 5 years thereafter.

Sec. 4. 1. A licensee of a child care facility shall ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.

2. The employee of the child care facility who is required to be in the presence of the independent contractor pursuant to subsection 1:

(a) Must be qualified to supervise the children at the child care facility; and

(b) Shall, during the period for which the independent contractor is performing the services at the child care facility, supervise and ensure the safety of each child at the child care facility.

Sec. 4.2. 1. The Division shall adopt regulations establishing:

(a) A system for rating child care facilities based on inspections conducted pursuant to subsection 3 of NRS 432A.180. The rating system must provide for the assignment of a letter grade of A, B, C, D or F to each child care facility based on the facility's compliance with applicable laws and regulations and the severity of any violations.

(b) Procedures by which a child care facility that is assigned a grade of C, D or F may request a follow-up inspection.

2. Not later than 60 days after an inspection of a child care facility pursuant to subsection 3 of 432A.180, the Division shall post on an Internet website maintained by the Division a report which must include:

(a) The letter grade assigned to the child care facility based on the inspection; and

(b) A report of each unresolved violation of an applicable law or regulation, proposed actions to correct the violation and the date by which the child care facility is expected to correct the violation.

3. After each inspection described in subsection 1, a child care facility shall post the letter grade assigned to the facility in a conspicuous place near each entrance to the facility that is regularly used by the public and inform any person of that letter grade upon request.

Sec. 4.5. 1. If a child care facility violates any law or regulation related to its licensure, including any provision of this chapter or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to section 4.7 of this act, may:

(a) Prohibit the facility from accepting additional children until it determines that the facility has corrected the violation;

(b) Limit the number of children to which the facility may provide care until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum;

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the children to whom the facility provides care until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statute, condition, standard or regulation; or

(2) Improvements are made to correct the violation; or

(e) Impose any combination of the sanctions prescribed in paragraphs (a) to (d), inclusive.

2. If the child care facility fails to pay any penalty imposed pursuant to paragraph (c) of subsection 1, the Division may:

(a) Suspend the license of the facility until the penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the penalty.

3. The Division may require any child care facility that violates any provision of this chapter, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as an administrative penalty pursuant to paragraph (c) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of this chapter, to protect the health, safety, well-being and property of the children to which child care facilities provide care in accordance with applicable standards or for any other purpose authorized by the Legislature.

Sec. 4.7. The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 4.5 of this act. These regulations must:

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and

4. Provide for less severe sanctions for lesser violations of applicable statutes, conditions, standards or regulations.

Sec. 5. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the ~~possession,~~ distribution or ~~use,~~ manufacture of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~454~~, including, without limitation, possession of a controlled substance for the purpose of sale;

(g) A violation of any federal or state law regulating the possession or use of any controlled substance or dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years;

(h) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~for~~

~~(h)~~ (i) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~;~~ ;

~~(i)~~ (j) A crime that constitutes domestic violence pursuant to NRS 33.018; ~~for~~

~~(j)~~ (k) A violation of NRS ~~484C.110, 484C.120 or~~ 484C.430 ~~;~~ ; or

(l) A violation of NRS 484C.110 or 484C.120 within the immediately preceding 5 years.

3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in subsection 2 and for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) ~~The Central Repository for its report concerning a conviction in this State of any of the crimes set forth in subsection 2; and~~

~~—(e)—~~ The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee ~~+~~

~~—(a) An employee~~ of an applicant or licensee , resident ~~+~~

~~—(1) For an initial background check not later than 3 days after the employee is hired and before the employee has any direct contact with any child at the child care facility, and must consist of information obtained from the sources described in paragraphs (a) and (c) of subsection 3;~~

~~—(2) Two years after the initial background check is conducted, and must consist of information obtained from the sources described in paragraphs (b) and (c) of subsection 3;~~

~~—(3) Five years after the initial background check is conducted and every 5 years thereafter, and must consist of information obtained from the sources described in paragraphs (a) and (c) of subsection 3; and~~

~~—(4) Two years after each background check is conducted pursuant to subparagraph (3), and must consist of information obtained from the sources described in paragraphs (b) and (c) of subsection 3.~~

~~—(b) A resident~~ of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older ~~+~~

~~—(1) For~~ for an initial background check not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program ~~+~~ and before the employee, resident or participant has any direct contact with any child at the child care facility, and then at least once ~~and must consist of information obtained from the sources described in paragraphs (a) and (c) of subsection 3;~~

~~—(2) Two years after the initial background check is conducted, and must consist of information obtained from the sources described in paragraphs (b) and (c) of subsection 3;~~

~~—(3) Five years after the initial background check is conducted and~~ every 5 years thereafter ~~+~~

(b) Applicant ~~+~~ and must consist of information obtained from the sources described in paragraphs (b) and (c) of subsection 3; and

~~—(4) Two years after each background check is conducted pursuant to subparagraph (3), and must consist of information obtained from the sources described in paragraphs (b) and (c) of subsection 3.~~

~~—(c) An applicant~~ at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 6. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility, licensee and employee of such an applicant or licensee, and every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History *for its report* ~~for~~ *and* for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility or licensee, or a resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant or licensee, who shall then comply with the provisions of NRS 432A.175.

3. An applicant for a license to operate a child care facility or licensee shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

4. An employee of an applicant for a license to operate a child care facility or licensee shall notify the applicant or licensee not later than 24 hours after:

(a) Being charged with or convicted of a crime listed in subsection 2 of NRS 432A.170;

(b) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(c) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

5. A resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older shall notify the licensee of the child care facility or outdoor youth program, as applicable, not later than 24 hours after:

(a) Being charged with or convicted of a crime listed in subsection 2;

(b) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(c) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

6. An applicant for a license to operate a child care facility or licensee shall notify the Division within ~~2 days~~ 24 hours after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

7. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

Sec. 6.5. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or ~~evidence~~ from ~~any other source that~~ an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older or from any other source that such an employee, resident or participant has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee

immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

4. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

Sec. 7. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in a child care facility, ~~that provides care for more than 12 children,~~ other than in a facility that provides care for ill children, shall, ~~in addition to completing the training required by section 3 of this act,~~ complete ~~the~~:

~~—(a) Before January 1, 2014, at least 15 hours of training;~~

~~—(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;~~

~~—(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and~~

~~—(d) On or after January 1, 2016,] 24 hours of training each year.~~

2. ~~{Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.~~

~~—3.} At least {2} :~~

~~(a) Twelve hours of the training required by subsection 1 each year must be devoted to the care, education and safety of children specific to the age group served by the child care facility in which the person is employed and must be approved in accordance with regulations adopted by the Board; and~~

~~(b) Two hours of the training required by {subsections 1 and 2} subsection 1 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.~~

Sec. 7.2. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

↳ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with ~~standards for health and sanitation,~~ laws and regulations concerning the health, safety and welfare of children in the care of the facility or program.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 7.3. NRS 432A.200 is hereby amended to read as follows:

432A.200 1. When the Division denies, suspends or revokes a license for a child care facility ~~or~~ or imposes an administrative sanction pursuant to section 4.5 of this act, the Division shall afford reasonable notice to all parties by certified mail, which notice must contain the legal authority, jurisdiction and reasons for the action taken.

2. The aggrieved person may file notice of appeal with the Administrator of the Division or a designee of the Administrator within 10 calendar days after receipt of notice of action of the Division.

3. Within 20 calendar days after the receipt of the notice of appeal, the Administrator of the Division or a designee of the Administrator shall hold a hearing.

4. Notice of the hearing must be given no less than 5 days before the date set for the hearing.

Sec. 7.8. NRS 432A.210 is hereby amended to read as follows:

432A.210 1. ~~Except as provided in subsection 1 of NRS 432A.131,~~ If the Division believes that a person, state or local government unit or agency thereof is operating a child care facility without a license or with a suspended license, the Division may issue an order to cease and desist the operation of the facility. The order must be served upon the person, state or local government unit or agency thereof by personal delivery or by certified or registered mail, return receipt requested. The order is effective upon service.

2. If the person, state or local government unit or agency thereof does not cease operating the child care facility without a license or apply for licensure within 30 days after the date of service of the order issued pursuant to subsection 1 or does not cease operating the child care facility with a suspended license, as applicable, the Division may bring an action in the name

of the State to enjoin ~~any~~ the person, state or local government unit or agency thereof from operating or maintaining ~~any~~ the child care facility ~~+~~

~~(a) Without first obtaining~~ without a license ~~therefor~~ or

~~[(b) After his or her license has been revoked or]~~ with a suspended ~~[by the Division.~~

~~2.]~~ license.

3. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility without a license.

4. Upon a showing by the Division that a person, state or local government unit or agency thereof is operating a child care facility without a license or with a suspended license, a court may:

(a) Enjoin the person, state or local government unit or agency thereof from operating the facility.

(b) Impose a civil penalty on the person, state or local government unit or agency thereof, to be recovered by the Division, of not more than \$10,000 for the first offense or not less than \$10,000 or more than \$25,000 for a second or subsequent offense.

5. Any money collected as an administrative penalty pursuant to subsection 4 must be accounted for separately and used to administer and carry out the provisions of this chapter, to protect the health, safety, well-being and property of the children to which child care facilities provide care in accordance with applicable standards or for any other purpose authorized by the Legislature.

Sec. 8. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ~~and sections 2, 3 and 4~~ to 4.7, inclusive, of this act is guilty of a misdemeanor.

Sec. 8.3. Chapter 218G of NRS is hereby amended by adding thereto the provisions set forth as sections 8.5 and 8.7 of this act.

Sec. 8.5. After concluding, as the result of an inspection, review and survey of a governmental facility for children or a private facility for children pursuant to NRS 218G.575, that the facility has deficiencies in policies or procedures that could be detrimental to the health, safety or welfare of children in the care of the facility or violate the civil or other rights of such children, the Legislative Auditor or the Legislative Auditor's designee shall provide a report of those deficiencies to any licensing entity from which the facility is required to obtain a license or, if the facility is not required to obtain a license, to the Division of Child and Family Services of the Department of Health and Human Services.

Sec. 8.7. 1. Not later than 45 days after receiving a report pursuant to section 8.5 of this act concerning a child care facility licensed pursuant to chapter 432A of NRS, the Division of Public and Behavioral Health of the Department of Health and Human Services or the county or incorporated city from which the facility has obtained a license pursuant to NRS 432A.131, as

applicable, shall review the facility to which the report pertains to determine whether the facility has corrected the deficiencies described in the report. The review may include a physical inspection of the facility at the discretion of the Division, county or city, as applicable.

2. After conducting a review pursuant to subsection 1, the Division, county or city shall provide a report of its determinations to the Legislative Auditor. The report must include:

(a) A determination of whether the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have been resolved;

(b) If the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have not been resolved, a description of the measures being taken by the facility to resolve the deficiencies, a determination of whether those measures are adequate and the expected date by which the deficiencies will be resolved; and

(c) A statement of any issues of fact or law on which the Division, county or city, as applicable, disagrees with the report of the Legislative Auditor or the Legislative Auditor's designee.

3. If the Division, county or city concludes, after a review conducted pursuant to subsection 1, that a child care facility has not resolved a deficiency described in the report of the Legislative Auditor or the Legislative Auditor's designee, the Division, county or city, as applicable, shall, not later than 30 days after completing the review:

(a) Provide a copy of its report to each court or other governmental agency that places children in the facility and post the report publicly on an Internet website maintained by the Division, county or city, as applicable; and

(b) Schedule another review of the facility which must be conducted not later than 30 days after the review conducted pursuant to subsection 1. After the review conducted pursuant to this paragraph, the Division, county or city, as applicable, shall take the actions described in subsection 2 and, if necessary, this subsection.

4. The Legislative Auditor or the Legislative Auditor's designee shall include any information provided by the Division, a county or an incorporated city concerning any deficiency identified at a child care facility in any report issued by the Legislative Auditor or the Legislative Auditor's designee concerning the inspections, reviews and surveys required by NRS 218G.575.

5. This section shall not be construed to prohibit or limit the ability of:

(a) A licensing entity to impose sanctions on a facility for children under its jurisdiction; or

(b) A law enforcement agency to respond to criminal conduct at a facility for children.

6. As used in this section, "child care facility" has the meaning ascribed to it in NRS 432A.024.

Sec. 9. 1. Each person who, on January 1, 2018, is employed in a child care facility shall complete the training requirements set forth in section 3 of

this act and NRS 432A.1775, as amended by section 7 of this act, before January 1, 2019.

2. As used in this section, "child care facility" has the meaning ascribed to it in section 2 of this act.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 88 makes various changes to Senate Bill No. 189. It requires an employee of an applicant for a license to operate a child-care facility or a licensee, resident or participant to notify the applicant or licensee within 24 hours of being charged with or convicted of certain crimes. An applicant or licensee must report such information to the Division of Public and Behavioral Health within the Department of Health and Human Services.

The amendment also requires the Division to establish by regulation a rating system, which assigns a letter grade to child-care facilities. The grade must be posted on the Division's website and in a conspicuous location near the entrance to each facility. In addition, the Division is authorized to impose certain administrative sanctions against licensees who violate law or regulation related to the licensure of a child-care facility.

Finally, the amendment requires the Legislative Auditor to provide certain information to the entity responsible for licensing a child-care facility following an inspection, review or survey of the facility.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 233.

Bill read second time.

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

Amendment No. 281.

SUMMARY—Requires the State Plan for Medicaid and health insurance plans to provide certain benefits. (BDR 38-817)

AN ACT relating to health care; requiring the State Plan for Medicaid and all health insurance plans to provide certain benefits relating to reproductive health care, hormone replacement therapy and preventative health care; ~~at no additional cost to the covered person; requiring a pharmacist to dispense up to a 12-month supply of certain~~ revising provisions relating to dispensing of contraceptives; ~~in certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377,

695B.1916, 695B.1918, 695C.1694, 695C.1695) Existing law also requires most health insurance plans to include coverage for certain preventative services, including the human papillomavirus vaccine, cytological screenings and mammograms. (NRS 287.0272, 689A.0405, 689A.044, 689B.0313, 689B.0374, 695B.1912, 695B.1925, 695C.1735, 695C.1745, 695G.171) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to some of these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires certain preventative services to be covered by every health insurance plan without any copay, coinsurance or higher deductible, including, without limitation, certain contraceptive drugs, devices and services, certain vaccinations, mammograms, counseling concerning interpersonal and domestic violence, screenings for certain diseases and well-woman preventative visits. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) This bill places those requirements in Nevada law, requiring all public and private health insurance plans made available in this State to provide coverage for certain preventative services without any copay, coinsurance or a higher deductible. Sections 7, 8 and 11-57 of this bill allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refused to accept a therapeutic equivalent of the contraceptive drug or device. In addition, a health insurance plan must include for each method of contraception which is approved by the Food and Drug Administration at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. Sections 7, 8 and 11-57 authorize an insurer to require a program of step therapy or prior authorization to obtain coverage for the preventative services required by this bill. Sections 7, 8 and 11-57 of this bill 11-57 also require (certain additional) all forms of contraceptive drugs, devices (, supplies) and services which are approved by the Food and Drug Administration to be covered by a health insurance plan, including up to a 12-month supply of contraceptives or a therapeutic equivalent, insertion or removal of a contraceptive device, education and counseling relating to contraception and voluntary sterilization for (men and) women.

Existing law authorizes an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Sections ~~15, 16, 24, 25, 41, 42, 48 and 49 of this bill remove that authority to exclude such coverage. In addition, sections~~ 20, 27, 33, 38, 45 and 54 of this bill ~~(do not include such a) move the religious exemption (, Thus, all insurers are required to provide coverage for the contraceptive drugs, devices and~~

services included in this bill.] to the new provisions relating to coverage of contraception.

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for hormone replacement therapy without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Sections 7, 8 and ~~[10-57]~~ 11-57 of this bill expand this requirement to all public and private health insurance plans made available in this State and require health insurance plans to provide coverage for hormone replacement therapy without any copay, coinsurance or higher deductible.

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid ~~[beneficiaries.] recipients.~~ (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain contraceptive drugs, devices and services. (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7) Existing law requires a number of specific medical services to be covered under Medicaid. (NRS 422.2717-422.27241) Sections ~~[2-6]~~ 2-5.5 of this bill require the State Plan for Medicaid to include the preventative services currently required to be covered by private health insurance plans pursuant to existing Nevada law, the Patient Protection and Affordable Care Act (Public Law 111-148 as amended) as well as the additional drugs, devices, supplies and services required by sections 7, 8 and ~~[10-57]~~ 11-57 without any copay, coinsurance or deductible ~~[.]~~ in most cases. The benefits relating to contraceptive drugs which are provided by section 2 of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) Section ~~[9]~~ 8.5 of this bill requires a pharmacist to dispense up to a 12-month supply of contraceptives or their therapeutic equivalent ~~[upon the request of a patient who has a]~~ pursuant to a valid prescription [.] or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is shorter; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the

provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) *Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;*

(b) *Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;*

(c) *Insertion or removal of a device for contraception;*

(d) *Education and counseling relating to contraception;*

(e) *Voluntary sterilization for ~~men and~~ women ~~+~~ pursuant to 42 C.F.R. §§ 441.250 to 441.259, inclusive; and*

(f) *Hormone replacement therapy.*

2. ~~To~~ *Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:*

(a) *Pay a higher deductible, any copayment or coinsurance; or*

(b) ~~Use a program of step therapy;~~

~~(c) Obtain prior authorization; or~~

~~(d) Be subject to a longer waiting period or any other condition.~~

3. *The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.*

4. *The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug or device.*

5. *For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraction.*

6. *As used in this section, "therapeutic equivalent" means a drug which:*

(a) *Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;*

(b) *Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and*

(c) *Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.*

Sec. 3. 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Counseling, support and supplies for breastfeeding ~~for~~, including, without limitation, renting or purchasing equipment for breastfeeding, to the extent money is available for this purpose;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization ~~for~~, to the extent money is available for this purpose;

(e) Screening for blood pressure abnormalities and diabetes, including, without limitation, gestational diabetes;

(f) ~~Screening~~ An annual screening for cervical cancer; ~~at least once every 3 years;~~

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus;

(i) Smoking cessation programs ~~for persons 18 years of age or older;~~ including, without limitation, not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) ~~Obtain prior authorization; or~~

~~(c)~~ Be subject to a longer waiting period or any other condition.

Sec. 4. 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) An annual cytologic screening test for women ~~18 years of age or older;~~ between the ages of 21 and 29 years;

(b) ~~A baseline mammogram for women between the ages of 35 and 40 years;~~ A cytologic screening test for women between the ages of 30 and 65 years;

(1) Every 3 years; or

(2) Every 5 years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women ~~40 years of age or older;~~

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) ~~Obtain prior authorization; or~~

~~(c) Be subject to a longer waiting period or any other condition.~~

Sec. 5. NRS 422.2718 is hereby amended to read as follows:

422.2718 1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for ~~administering~~ :

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine ~~to women and girls~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. To obtain the services listed in subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) ~~Obtain prior authorization; or~~

~~(c) Be subject to a longer waiting period or any other condition.~~

3. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 5.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 5.7. NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.401 to 422.406, inclusive, and sections 2, 3 and 4 of this act, and to administer the provisions of NRS 422.401 to 422.406, inclusive ~~of~~, and sections 2, 3 and 4 of this act:

(a) Adopt regulations; and

(b) Enter into contracts for any services.

2. Any regulations adopted by the Department pursuant to NRS 422.401 to 422.406, inclusive, and sections 2, 3 and 4 of this act, must be adopted in accordance with the provisions of chapter 241 of NRS.

Sec. 6. ~~NRS 422.403 is hereby amended to read as follows:~~

~~422.403 1. [The] Except as otherwise provided in section 2 of this act, the Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.~~

~~2. [The] Except as otherwise provided in section 2 of this act, the Drug Use Review Board shall:~~

~~—(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;~~

~~—(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and~~

~~—(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.~~

~~—3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed for the Medicaid program pursuant to NRS 422.4025.~~

~~—4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.] (Deleted by amendment.)~~

Sec. 7. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative

charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and sections 20 and 21 of this act* and 689B.287 apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 8. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and sections 54, 55 and 56 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year in which an insured is covered by a health care plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~{A}~~ Except as otherwise provided ~~{by subsection 2,}~~ in section 8.5 of this act, a pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. ~~{A pharmacist shall, upon the request of a patient and pursuant to a valid prescription for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration that specifies an initial amount of less than up to a 12-month supply followed by periodic refills of the initial amount of the drug, dispense up to the amount authorized in the prescription, including refills, not to exceed a 12-month supply of the drug or its therapeutic equivalent.}~~ Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 10. ~~{NRS 687B.225 is hereby amended to read as follows:~~

~~687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.0415, 689A.0417, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 689B.0376, 689B.0377, 695B.1912, 695B.1914, 695B.1916, 695B.1918, 695B.1925, 695B.1942, 695C.1694, 695C.1695, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695C.170, 695C.171 and 695C.177, and sections 12, 13, 20, 21, 38, 39, 45, 46, 54, 55 and 56 of this act, any contract for group, blanket or individual health~~

~~insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:~~

~~—(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and~~

~~—(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.~~

~~2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.}] (Deleted by amendment.)~~

Sec. 11. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. 1. ~~[An]~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(b) Any type of device for contraception or its therapeutic equivalent, which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to contraception; and

(e) Voluntary sterilization for ~~men and~~ women.

2. ~~[An]~~ Except as otherwise provided in subsections 5, 6 and 7, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, a program of step therapy or prior authorization.]~~

3. ~~4.~~ Except as otherwise provided in subsection 4, a policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

5. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

6. For each method of contraception which is approved by the Food and Drug Administration, a policy of health insurance must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

7. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

8. As used in this section ~~["provider"]~~:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Counseling, support and supplies for breastfeeding ~~for~~, including, without limitation, renting or purchasing breastfeeding equipment;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including, without limitation, gestational diabetes;

(f) ~~Screening~~ An annual screening for cervical cancer ; ~~at least once every 3 years;~~

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus;

(i) Smoking cessation programs ~~for persons 18 years of age or older;~~ including, without limitation, not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. ~~Am.~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~including, without limitation, prior authorization.~~

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women ~~[18 years of age or older;]~~
between the ages of 21 and 29 years;

(b) ~~[A baseline mammogram for women between the ages of 35 and 40 ; years;]~~ A cytologic screening test for women between the ages of 30 and 65 years;

(1) Every 3 years; or

(2) Every 5 years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women ~~[40 years of age or older;]~~

2. ~~[A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. And]~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~[, including, without limitation, prior authorization.]~~

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. *As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 15. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~{Except as otherwise provided in subsection 5, an}~~ An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~for~~:

~~—(a) Any type of drug or device for contraception; and~~

~~—(b) Any} any type of hormone replacement therapy ~~};~~~~

~~→}~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. ~~{An}~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, *any* copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~{a contraceptive or} hormone replacement therapy ; {than is required for other prescription drugs covered by the policy;}~~

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(d) Penalize a provider of health care who provides ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an insured ~~}; ~~or~~~~

~~—(f) Impose any other restrictions or delays on the access of an insured to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization.}~~

3. ~~{Except as otherwise provided in subsection 5, a}~~ A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, ~~January 1, 2019,~~ has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. The provisions of this section do not ~~fr~~:

~~(a) Require~~ require an insurer to provide coverage for fertility drugs.

~~[(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.]~~

~~5. An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.]~~

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. ~~[Except as otherwise provided in subsection 5, an]~~ An insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. ~~[An]~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, *any* copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy ; ~~[than is required for other outpatient care covered by the policy;]~~

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ *hormone replacement therapy*;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ *hormone replacement therapy*;

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ *hormone replacement therapy* to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ *hormone replacement therapy* to an insured ~~, fr or~~

~~—(f) Impose any other restrictions or delays on the access of an insured to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization.~~

3. ~~[Except as otherwise provided in subsection 5, a]~~ A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, ~~[January 1, 2018]~~ has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. ~~[The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.~~

~~—5. An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~—6.] An insurer may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.~~

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[administering]~~ :

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. ~~And~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of health insurance shall not:~~

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~_, including, without limitation, a program of step therapy or prior authorization.~~

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. ~~[For the purposes of]~~ An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. As used in this section [,"human"] :

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[,]~~, and sections 12 and 13 of this act.

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. 1. ~~[An]~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(b) Any type of device for contraception or its therapeutic equivalent, which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to contraception; and

(e) Voluntary sterilization for ~~men and~~ women.

2. ~~[(A)]~~ Except as otherwise provided in subsections 6, 7 and 8, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, a program of step therapy or prior authorization.]~~

3. ~~[(A)]~~ Except as otherwise provided in subsection 4, a policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. An insurer that offers or issues such a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

5. If an insurer refuses, pursuant to subsection 4, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

6. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

7. For each method of contraception which is approved by the Food and Drug Administration, a policy of group health insurance must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

8. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

9. As used in this section ~~["provider"]~~:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Counseling, support and supplies for breastfeeding ~~for~~, including, without limitation, renting or purchasing equipment for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including, without limitation, gestational diabetes;

~~(f) Screening.~~ An annual screening for cervical cancer; ~~at least once every 3 years;~~

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus;

(i) Smoking cessation programs ~~for persons 18 years of age or older~~, including, without limitation, not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of

the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. ~~Am.~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~-, including, without limitation, prior authorization.-~~

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~administering~~ :

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. And Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of group health insurance shall not:~~

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. ~~[For the purposes of]~~ An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the service is medically necessary or appropriate for the insured.

5. As used in this section [,"human"] :

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women ~~[18 years of age or older,]~~ between the ages of 21 and 29 years;

(b) ~~[(A baseline mammogram for women between the ages of 35 and 40 ; years;]~~ A cytologic screening test for women between the ages of 30 and 65 years;

(1) Every 3 years; or

(2) Every 5 years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women ~~[40 years of age or older.]~~

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. An]~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~[, including, without limitation, prior authorization.]~~

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ An insurer that offers or issues a policy of group health insurance which provides

coverage for prescription drugs or devices shall include in the policy coverage for ~~the~~:

~~— (a) Any type of drug or device for contraception; and~~

~~— (b) Any~~ any type of hormone replacement therapy ~~the~~

~~↔~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. ~~Am~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~the contraceptive or~~ hormone replacement therapy ; ~~than is required for other prescription drugs covered by the policy;~~

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~any of the services listed in subsection 1;~~ hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~any of the services listed in subsection 1;~~ hormone replacement therapy;

(d) Penalize a provider of health care who provides ~~any of the services listed in subsection 1~~ hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~any of the services listed in subsection 1~~ hormone replacement therapy to an insured ~~the~~

~~— (f) Impose any other restrictions or delays on the access of an insured to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization.~~

3. ~~Except as otherwise provided in subsection 5, a~~ A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. The provisions of this section do not ~~the~~

~~— (a) Require~~ require an insurer to provide coverage for fertility drugs.

~~[(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.]~~

~~—5.— An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~—6.— If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~—7.—~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. ~~{Except as otherwise provided in subsection 5, an}~~ An insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~{contraceptives or}~~ hormone replacement therapy.

2. ~~{An}~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, *any* copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~{contraceptives or}~~ hormone replacement therapy ; ~~{than is required for other outpatient care covered by the policy;}~~

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(d) Penalize a provider of health care who provides ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay

~~[any of the services listed in subsection 1] hormone replacement therapy to an insured, or~~

~~—(f) Impose any other restrictions or delays on the access of an insured to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization.]~~

3. ~~[Except as otherwise provided in subsection 5, a]~~ A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, ~~[January 1, 2018,]~~ has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. ~~[The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.~~

~~—5.—An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~—6.—If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~—7.] An insurer may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.~~

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 26. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 30, inclusive, of this act.

Sec. 27. 1. ~~[A]~~ Except as otherwise provided in subsection 4, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to contraception; and

(e) Voluntary sterilization for ~~men and~~ women.

2. ~~[(A)]~~ Except as otherwise provided in subsections 5, 6 and 7, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit, ~~including, without limitation, a program of step therapy or prior authorization.~~

3. ~~[(A)]~~ Except as otherwise provided in subsection 4, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

5. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

6. For each method of contraception which is approved by the Food and Drug Administration, a health benefit plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~including, without limitation, prior authorization.~~

3. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. A carrier may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the carrier that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~1A~~ Except as otherwise provided in subsection 4, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 is void.

4. A carrier may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the carrier that the benefit is medically necessary or appropriate for the insured.

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30. 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women ~~[18 years of age or older,]~~ between the ages of 21 and 29 years;

(b) ~~[A baseline mammogram for women between the ages of 35 and 40 years,]~~ A cytologic screening test for women between the ages of 30 and 65 years:

(1) Every 3 years; or

(2) Every 5 years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women ~~[40 years of age or older.]~~

2. ~~[A]~~ Except as otherwise provided in subsection 4, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~[, including, without limitation, prior authorization.]~~

3. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 is void.

4. A carrier may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the carrier that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 31. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and sections 27 to 30, inclusive, of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 32. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 33 to 36, inclusive, of this act.

Sec. 33. 1. ~~[A]~~ Except as otherwise provided in subsection 4, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to contraception; and

(e) Voluntary sterilization for ~~men and~~ women.

2. ~~[A]~~ Except as otherwise provided in subsections 5, 6 and 7, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~including, without limitation, a program of step therapy or prior authorization.~~

3. ~~4.~~ Except as otherwise provided in subsection 4, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

5. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

6. For each method of contraception which is approved by the Food and Drug Administration, a benefit contract must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

7. A society may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the society that the benefit is medically necessary or appropriate for the insured.

8. As used in this section ~~the "provider"~~ :

(a) "Provider" of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 34. 1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) Counseling, support and supplies for breastfeeding ~~for~~, including, without limitation, renting or purchasing equipment for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including, without limitation, gestational diabetes;

(g) ~~Screening~~ An annual screening for cervical cancer; ~~at least once every 3 years;~~

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus;

(j) Smoking cessation programs ~~for persons 18 years of age or older;~~, including, without limitation, not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. ~~For~~ Except as otherwise provided in subsection 4, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

4. A society may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the society that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 35. 1. A benefit contract must provide coverage for benefits payable for expenses incurred for:

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine, as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~1A1~~ Except as otherwise provided in subsection 4, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with subsection 1 is void.

4. A society may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the society that the benefit is medically necessary or appropriate for the insured.

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 36. 1. A benefit contract must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women ~~[18 years of age or older.]~~ between the ages of 21 and 29 years;

(b) ~~[A baseline mammogram for women between the ages of 35 and 40 years;]~~ A cytologic screening test for women between the ages of 30 and 65 years;

(1) Every 3 years; or

(2) Every 5 years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women. ~~[40 years of age or older.]~~

2. ~~[A.]~~ Except as otherwise provided in subsection 4, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in a benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with subsection 1 is void.

4. A society may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the society that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 37. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.

Sec. 38. 1. ~~Am.~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to contraception; and

(e) Voluntary sterilization for ~~men and~~ women.

2. ~~Am.~~ Except as otherwise provided in subsections 6, 7 and 8, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~_, including, without limitation, a program of step therapy or prior authorization._~~

3. ~~4.~~ Except as otherwise provided in subsection 4, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

5. If an insurer refuses, pursuant to subsection 4, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

6. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

7. For each method of contraception which is approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

8. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

9. As used in this section ~~_, "provider" :~~

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 39. 1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Counseling, support and supplies for breastfeeding ~~for~~, including, without limitation, renting or purchasing equipment for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including, without limitation, gestational diabetes;

(f) ~~Screening~~ An annual screening for cervical cancer ; ~~at least once every 3 years;~~

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus;

(i) Smoking cessation programs ~~for persons 18 years of age or older;~~ including, without limitation, not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. ~~Any~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. ~~[A policy of health insurance issued by a hospital or medical service corporation]~~ An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women ~~[18 years of age or older;]~~ between the ages of 21 and 29 years;

(b) ~~[A baseline mammogram for women between the ages of 35 and 40; years;]~~ A cytologic screening test for women between the ages of 30 and 65 years;

(1) Every 3 years; or

(2) Every 5 years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women. ~~[40 years of age or older.]~~

2. ~~[A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. And]~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in a contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~_, including, without limitation, prior authorization._~~

3. A ~~{policy}~~ contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~{October 1, 1989,}~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the ~~{policy}~~ contract or the renewal which is in conflict with subsection 1 is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 41. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~{Except as otherwise provided in subsection 5, an}~~ An insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[-~~

~~—(a) Any type of drug or device for contraception; and~~

~~—(b) Any} any type of hormone replacement therapy [-~~

~~→} which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.~~

2. ~~{An}~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~{a contraceptive or} hormone replacement therapy ; {than is required for other prescription drugs covered by the contract;}~~

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~{any of the services listed in subsection 1;}~~ hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(d) Penalize a provider of health care who provides ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an insured. ~~}; or~~

~~—(f) Impose any other restrictions or delays on the access of an insured to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization.~~

3. ~~{Except as otherwise provided in subsection 5, a}~~ A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, [January 1, 2018,] has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. The provisions of this section do not {:

~~—(a) Require}~~ require an insurer to provide coverage for fertility drugs.

~~{(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.~~

~~—5.—An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~— 6. — If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~— 7. —~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 42. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. ~~{Except as otherwise provided in subsection 5, an}~~ An insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to ~~{contraceptives or}~~ hormone replacement therapy.

2. ~~{An}~~ Except as otherwise provided in subsection 4, an insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, *any* copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~{contraceptives or}~~ hormone replacement therapy ; ~~{than is required for other outpatient care covered by the contract;}~~

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(d) Penalize a provider of health care who provides ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an insured ; ~~{or}~~

~~— (f) Impose any other restrictions or delays on the access of an insured to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization. —~~

3. ~~{Except as otherwise provided in subsection 5, a}~~ A contract *for hospital or medical service* subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, {January 1, 2018,} has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. ~~{The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage~~

required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

~~5. An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.} An insurer may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.~~

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 43. NRS 695B.1925 is hereby amended to read as follows:

695B.1925 1. ~~{A policy of health insurance issued by a hospital or medical service corporation}~~ An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for expenses incurred for ~~{administering}~~ :

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine ~~{to women and girls}~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~{A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.}~~ ~~Am}~~ Except as otherwise required by subsection 4, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~_, including, without limitation, prior authorization._~~

3. A ~~{policy}~~ contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~{July 1, 2007,}~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the ~~{policy}~~ contract or the renewal which is in conflict with subsection 1 is void.

4. ~~{For the purposes of}~~ An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

5. As used in this section ~~{, "human"}~~ :

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 44. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. 1. ~~{A}~~ Except as otherwise provided in subsection 4, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to contraception; and

(e) Voluntary sterilization for ~~{men and}~~ women.

2. ~~4A~~ Except as otherwise provided in subsections 6, 7 and 8, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit ~~_, including, without limitation, a program of step therapy or prior authorization.~~

3. ~~4A~~ Except as otherwise provided in subsection 4, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

5. If a health maintenance organization, pursuant to subsection 4, refuses to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

6. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the enrollee refuses to accept a therapeutic equivalent of the contraceptive drug or device.

7. For each method of contraception which is approved by the Food and Drug Administration, a health care plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any

other contraceptive drug or device that provides the same method of contraception.

8. A health maintenance organization may require an enrollee to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.

9. As used in this section ~~["provider"]~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) A higher deductible, copayment or coinsurance may be charged for a drug or device for contraception which is not a therapeutic equivalent.

Sec. 46. 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding ~~[""]~~, including, without limitation, renting or purchasing equipment for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including, without limitation, gestational diabetes;

~~(f) [Screening]~~ An annual screening for cervical cancer; ~~for persons 18 years of age or older;~~ ~~at least once every 3 years;~~

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus;

(i) Smoking cessation programs ~~for persons 18 years of age or older;~~, including, without limitation, not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. ~~[""]~~ Except as otherwise provided in subsection 4, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit ~~including, without limitation, a program of step therapy or prior authorization.~~

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. A health maintenance organization may require an enrollee to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, ~~695C.1735 to~~ 695C.1751, 695C.1755, ~~[inclusive,]~~ 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ~~[and]~~ , 695C.1735, 695C.1745 and 695C.1757 and sections 45 and 46 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 48. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ A health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~the~~:

~~—(a) Any type of drug or device for contraception; and~~

~~—(b) Any] any type of hormone replacement therapy ~~the~~~~

~~↔] which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.~~

2. ~~[A]~~ Except as otherwise provided in subsection 4, a health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for ~~[a prescription for a contraceptive or] hormone replacement therapy ; [than is required for other prescription drugs covered by the plan;]~~

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ *hormone replacement therapy*;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ *hormone replacement therapy*;

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ *hormone replacement therapy* to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay

~~[any of the services listed in subsection 1] hormone replacement therapy to an enrollee, ¹⁵ or~~

~~— (f) Impose any other restrictions or delays on the access of an enrollee to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization.]~~

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, ~~[January 1, 2018,]~~ has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. A health maintenance organization may require an enrollee to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.

5. The provisions of this section do not ~~to~~

~~— (a) Require~~ require a health maintenance organization to provide coverage for fertility drugs.

~~{(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.~~

~~— 5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~— 6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~— 7.]~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 49. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. ~~{Except as otherwise provided in subsection 5, a}~~ A health maintenance organization that offers or issues a health care plan which

provides coverage for outpatient care shall include in the plan coverage for any health care service related to ~~{contraceptives or}~~ hormone replacement therapy.

2. ~~{A}~~ Except as otherwise provided in subsection 4, a health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~{contraceptives or}~~ hormone replacement therapy ; ~~{than is required for other outpatient care covered by the plan;}~~

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~{any of the services listed in subsection 1;}~~ *hormone replacement therapy*;

(d) Penalize a provider of health care who provides ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~{any of the services listed in subsection 1}~~ *hormone replacement therapy* to an enrollee ~~;~~ or

~~— (f) Impose any other restrictions or delays on the access of an enrollee to hormone replacement therapy, including, without limitation, a program of step therapy or prior authorization. }~~

3. ~~{Except as otherwise provided in subsection 5, evidence}~~ Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, {January 1, 2018,} has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. ~~{The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan. }~~

~~— 5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide~~

pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.} A health maintenance organization may require an enrollee to:~~

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 50. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health ~~[maintenance]~~ care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women ~~[18 years of age or older,]~~ between the ages of 21 and 29 years;

(b) ~~[A baseline mammogram for women between the ages of 35 and 40 ; years,]~~ A cytologic screening test for women between the ages of 30 and 65 years:

(1) Every 3 years; or

(2) Every 5 years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women ~~[40 years of age or older.]~~

2. ~~[A health maintenance plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. A]~~ Except as otherwise provided in subsection 4, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any benefit provided in the health care plan pursuant to subsection 1;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. A ~~{policy}~~ health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~{October 1, 1989,}~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the ~~{policy}~~ plan or the renewal which is in conflict with subsection 1 is void.

4. A health maintenance organization may require an enrollee to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 51. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for ~~{administering}~~ :

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~{A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.}~~ Except as otherwise provided in subsection 4, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit. ~~[, including, without limitation, prior authorization.]~~

3. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

4. ~~[For the purposes of]~~ A health maintenance organization may require an enrollee to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.

5. As used in this section ~~[, "human"]~~ :

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and sections 45 and 46 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 53. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. 1. ~~4.~~ Except as otherwise provided in subsection 4, a managed care organization that offers or issues a health care plan shall

include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to contraception;

(e) Voluntary sterilization for ~~men and~~ women; and

(f) Hormone replacement therapy.

2. ~~[(A)]~~ Except as otherwise provided in subsections 5, 6 and 7, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit, ~~[, including, without limitation, a program of step therapy or prior authorization.]~~

3. ~~[(A)]~~ Except as otherwise provided in subsection 4, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

5. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception

if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

6. For each method of contraception which is approved by the Food and Drug Administration, a health care plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

7. A managed care organization may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the managed care organization that the benefit is medically necessary or appropriate for the insured.

8. As used in this section ~~["provider"]~~:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug;

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 55. 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding ~~[""]~~, including, without limitation, renting or purchasing equipment for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including, without limitation, gestational diabetes;

(g) Screening for cervical cancer ~~["at least once every 3 years;"]~~ on an annual basis;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus;

(j) Smoking cessation programs ~~["for adults;"]~~, including, without limitation, not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. ~~4. Except as otherwise provided in subsection 4, a managed care organization that offers or issues a health care plan shall not:~~

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~including, without limitation, prior authorization.~~

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. A managed care organization may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the managed care organization that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 56. 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women ~~18 years of age or older;~~ between the ages of 21 and 29 years;

(b) ~~A baseline mammogram for women between the ages of 35 and 40 years;~~ A cytologic screening test for women between the ages of 30 and 65 years;

(1) Every three years; or
(2) Every five years if carried out at the same time as testing for human papillomavirus; and

(c) An annual mammogram for women ~~40 years of age or older.~~

2. ~~4A~~ Except as otherwise provided in subsection 4, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~including, without limitation, prior authorization.~~

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. A managed care organization may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the managed care organization that the benefit is medically necessary or appropriate for the insured.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 57. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~administering~~ :

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the

Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. A]~~ Except as otherwise provided in subsection 4, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in a health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit ~~[, including, without limitation, prior authorization.]~~

3. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

4. ~~[For the purposes of]~~ A managed care organization may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the managed care organization that the benefit is medically necessary or appropriate for the insured.

5. As used in this section ~~[, "human"]~~ :

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 59. This act becomes effective on January 1, 2018.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 281 makes numerous changes to Senate Bill No. 233. The amendment authorizes an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a contraceptive drug or device if the insured refuses to accept a therapeutic equivalent of the drug or device; requires health-insurance plans to cover all Food and Drug Administration (FDA) approved forms of contraceptive drugs, devices and services, including sterilization for women; requires health-insurance plans to include for each method of contraception approved by FDA at least one contraceptive drug or device without a deductible, copay or coinsurance; authorizes an insurer to require a program of step therapy or prior authorization to obtain coverage for the preventive services required in the bill; revises existing religious exemptions to apply to new provisions related to coverage of contraception, and revises provisions requiring a pharmacist to dispense up to a 12-month supply of contraceptives only under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 407.

Bill read second time.

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

Amendment No. 606.

SUMMARY—Creates the Nevada ~~[Green Bank Program]~~ Clean Energy Fund. (BDR 58-1133)

AN ACT relating to energy; creating the Nevada ~~[Green Bank Program]~~ Clean Energy Fund; creating the Board of Directors of the ~~[Nevada Green Bank Program]~~ Fund to administer the ~~[Program; creating the Account for Clean Energy Loans administered by the Board of Directors; providing, with limited exceptions, that money in the Account must be used to make loans for the purpose of financing clean energy improvements to residential real property; setting forth the duties and powers of the Board with respect to the Program and the Account;]~~ Fund; setting forth the duties and powers of ~~[an energy improvement program that makes loans of money distributed to the energy improvement program from the Account; authorizing the Board to issue bonds; authorizing the Board to charge and collect certain charges and fees in connection with the making of certain mortgage loans;]~~ the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Sections 2-42 of this] This bill [establish] establishes the Nevada [Green Bank Program] Clean Energy Fund to [(1) distribute money to energy improvement programs that are established and administered by certain local governments, nonprofit corporations and financial institutions to make loans to qualified borrowers for clean energy improvements to primary residences owned by those qualified borrowers; and (2) to make mortgage loans to finance the acquisition, construction or refinancing of clean energy improvements to~~

~~primary residences owned by qualified borrowers,] provide funding for and increase significantly the pace and amount of financing available for qualified clean energy projects in this State. Section 14 of this bill creates the Board of Directors of the [Program,] Fund, whose responsibility it is to carry out the [Program. Section 15 creates the Account for Clean Energy Loans, to be administered by the Board, and money from which is to be used only to carry out the Program.] provisions of this bill. Section 16 [requires] of this bill sets forth certain duties of the Board [to adopt certain regulations concerning the energy improvement programs and the use of money in the Account and authorizes the Board to adopt any other regulations necessary] relative to the responsibility of the Board to carry out [sections 2-42. Section 17 provides limitations on the use of the money in the Account and authorizes certain local governments, nonprofit corporations and financial institutions to apply to the Board for a distribution of money from the Account for the purpose of making the loans authorized by section 15. Section 18 requires certain qualified third parties to comply with the Open Meeting Law in establishing and administering energy improvement programs approved by the Board. Sections 19-42 authorize the Board to undertake commitments to make and to participate with lending institutions in the making of mortgage loans to finance the acquisition, construction or refinancing of clean energy improvements within this State. Section 22 of this bill authorizes the Board to charge and collect fees in connection with the making of such mortgage loans. Section 25 authorizes the Board to issue notes and bonds to carry out the purposes of sections 2-42. Sections 26-42 set forth provisions governing the issuance of such notes and bonds by the Board.] the provisions of this bill.~~

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

Section 1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections ~~[2]~~ 1.5 to 42, inclusive, of this act.

Sec. 1.5. The Legislature hereby finds and declares that it is in the interest of this State to establish and support in this State an independent corporation for public benefit, the Nevada Clean Energy Fund, for the purposes of:

1. Promoting investments in qualified clean energy projects;
2. Increasing significantly the pace and amount of investments in qualified clean energy projects at the state and local levels;
3. Improving the standard of living of the residents of this State by promoting the more efficient and lower cost development of qualified clean energy projects and providing financing for qualified clean energy projects that will create high-paying, long-term jobs;
4. Fostering the development and consistent application of transparent underwriting standards, standard contractual terms, and measurement and verification protocols for qualified clean energy projects;
5. Promoting the creation of performance data that enables effective underwriting, risk management and pro forma modeling of financial

performance of qualified clean energy projects to support primary financing markets and to stimulate the development of secondary investment markets for qualified clean energy projects; and

6. Achieving a level of financing support for qualified clean energy projects necessary to help abate climate change by increasing zero- or low-carbon electricity generation and transportation capabilities, realize energy efficiency potential in existing infrastructure, ease the economic effects of transitioning from a carbon-based economy to a clean-energy economy, achieve job creation through the construction and operation of qualified clean energy projects and complement and supplement other clean energy and energy efficiency programs and initiatives in this State.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~{3 to 13,}~~ 2.5 to 13.6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2.5. "Alternative fuel vehicle project" means any project, technology, product, service, function or measure, or an aggregation thereof, which supports the development and deployment of alternative fuels used for electricity generation, alternative fuel vehicles and related infrastructure, including, without limitation, infrastructure for electric vehicle charging stations. The term does not include any technology that involves the combustion of fossil fuels, including, without limitation, petroleum and petroleum products.

Sec. 3. "Board" means the Board of Directors of the Nevada ~~{Green Bank Program,}~~ Clean Energy Fund.

Sec. 4. ~~["Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by the Board pursuant to the provisions of this chapter.] (Deleted by amendment.)~~

Sec. 5. ~~["Clean energy improvement" means any repair of or addition or improvement to residential real property which reduces the consumption of energy at the property or which uses energy generated from renewable energy to meet all or a portion of the demand for energy at the property.] (Deleted by amendment.)~~

Sec. 6. ~~["Construction" means the erection, building, acquisition, alteration, remodeling, improvement or extension of a clean energy improvement and the inspection and supervision of such activities and includes, without limitation:~~

~~1. Any preliminary planning to determine the feasibility of a clean energy improvement; and~~

~~2. Any other activities reasonably necessary for the completion of a clean energy improvement.] (Deleted by amendment.)~~

Sec. 6.5. "Demand response project" means any project, technology, product, service, function or measure, or an aggregation thereof, that changes the usage of electricity by retail customers in this State from the normal consumption patterns in response to:

1. Changes in the price of electricity over time; or

2. Incentive payments designed to induce lower electricity use at times of high market prices or when system reliability is jeopardized.

~~Sec. 7. "Energy improvement program" means a program established and administered by a qualified third party and designed, intended or used to make below market rate loans to qualified borrowers for clean energy improvements to primary residences owned by those qualified borrowers.~~
efficiency project" means any project, technology, product, service, function or measure, or an aggregation thereof, that results in:

1. The reduction of energy use required to achieve the same level of service or output obtained before the application of such project, technology, product, service, function or measure, or aggregation thereof; or

2. Substantially reduces greenhouse gas emissions relative to emissions that would have produced before the application of such project, technology, product, service, function or measure, or aggregation thereof.

~~Sec. 8. ["Lending institution" means any bank or trust company, mortgage banker approved by the Federal National Mortgage Association, national banking association, savings and loan association or other financial institution or governmental agency of the United States located in this State and which customarily provides service or otherwise aids in the financing of mortgage loans.] (Deleted by amendment.)~~

~~Sec. 9. ["Mortgage" means a mortgage deed, deed of trust or other instrument which constitutes a lien on real property in fee simple or on a leasehold under a lease whose remaining term, at the time such mortgage is acquired, does not expire for at least that number of years beyond the maturity date of the obligation secured by such mortgage as is established by the Board as necessary to protect its interest as mortgagee.] (Deleted by amendment.)~~

~~Sec. 10. ["Mortgage loan" means an interest bearing obligation secured by a mortgage on land and improvements in this State.] (Deleted by amendment.)~~

~~Sec. 11. "Nevada Green Bank Program" or "Program" means the program established by this chapter to provide money to an energy improvement program to make below market rate loans to qualified borrowers for clean energy improvements to primary residences owned by those qualified borrowers.~~
Clean Energy Fund" or "Fund" means the independent, nonprofit corporation established pursuant to section 13.8 of this act to provide money to promote investments in and increase significantly the pace and amount of investment in qualified clean energy projects in this State and to carry out the provisions of this chapter.

~~Sec. 12. ["Qualified borrower" means a person who is the owner of a primary residence and who satisfies the eligibility requirements established by the Board pursuant to section 16 of this act.] (Deleted by amendment.)~~

Sec. 12.5. "Qualified clean energy project" means any alternative fuel vehicle project, demand response project, energy efficiency project, renewable energy project or system efficiency project.

Sec. 13. ~~["Qualified third party" means a local government, nonprofit corporation or financial institution that establishes and administers an energy improvement program approved by the Board.] (Deleted by amendment.)~~

Sec. 13.2. "Renewable energy" means energy produced by:

1. Solar resources;
2. Wind resources;
3. Geothermal resources;
4. Nonhazardous, organic biomass;
5. Anaerobic digestion of organic waste streams;
6. Small-scale, advanced hydropower;
7. Tidal currents;
8. Fuel cells using renewable resources; and
9. Any other source that naturally replenishes over a human, rather than geological, time frame and that is ultimately derived from solar, water or wind resources.

Sec. 13.4. "Renewable energy project" means the development, construction, deployment, alteration or repair of any project, technology, product, service, function or measure, or an aggregation thereof, that generates electric power from renewable energy.

Sec. 13.6. "System efficiency project" means the development, construction, deployment, alteration or repair of any distributed generation system, energy storage system, smart grid technology, advanced battery system, microgrid system, fuel cell system or combined heat and power systems.

Sec. 13.8. The Director of the Office of Energy shall cause to be formed in this State an independent, nonprofit corporation recognized as exempt from federal income taxation for the public benefit named the "Nevada Clean Energy Fund," the general purpose of which is to carry out the provisions of this chapter.

Sec. 14. 1. There is hereby created the Board of Directors of the Nevada ~~[Green Bank Program,]~~ Clean Energy Fund, consisting of the following nine members:

- (a) The Director of the Office of Energy;
- (b) The Executive Director of the Office of Economic Development or his or her designee;
- (c) The Real Estate Administrator of the Department of Business and Industry or his or her designee;
- (d) The Commissioner of Financial Institutions or his or her designee;
- (e) One member appointed by the Governor from among a list of nominees submitted by the State Contractors' Board;
- (f) One member appointed by the Governor from among a list of nominees submitted by labor organizations in this State;
- (g) One member appointed by the Governor from among a list of nominees submitted by the board of county commissioners of the county in this State with the largest population;

(h) One member appointed by the Governor from among a list of nominees submitted by the board of county commissioners of the county in this State with the second largest population; and

(i) One member appointed by the Governor from among a list of nominees submitted by the boards of county commissioners of the counties in this State not described in paragraph (g) or (h).

2. The members appointed to the Board pursuant to paragraphs (e) to (i), inclusive, of subsection 1 should have expertise in matters relating to renewable energy, economic development, banking, law, finance or other matters relevant to the work of the Board. When appointing a member to the Board, consideration must be given to whether the members appointed to the Board reflect the ethnic and geographical diversity of this State.

3. The term of each member of the Board appointed pursuant to paragraphs (e) to (i), inclusive, of subsection 1 is ~~two~~ 3 years. A member may be reappointed for additional terms of ~~two~~ 3 years in the same manner as the original appointment. A vacancy occurring in the membership of the Board must be filled in the same manner as the original appointment.

4. ~~The Director of the Office of Energy shall serve as ex officio~~ Board shall annually elect a Chair ~~of the Board~~ from among its members.

5. ~~The Office of Energy shall provide administrative support to the Board.~~

~~6.~~ The Board shall meet regularly at least semiannually and may meet at other times upon the call of the Chair. Any five members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.

~~7.~~ 6. The Board shall adopt rules for its own management and government.

~~8.~~ 7. While engaged in the business of the Board, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 15. ~~1. The Account for Clean Energy Loans is hereby created in the State General Fund. The Board shall administer the Account.~~

~~2. Except as otherwise provided in sections 17 and 19 to 42, inclusive, of this act, the money in the Account may be used only to provide money for an energy improvement program to make below market rate loans at a rate not lower than 3 percent to qualified borrowers for clean energy improvements to primary residences owned by those qualified borrowers.~~

~~3. Any money received by the Board for the purposes of this chapter by gift, grant, donation or legislative appropriation and any money received from a source identified by the Board pursuant to subsection 2 of section 16 of this act must be deposited in the State Treasury for credit to the Account. The interest and income earned on money in the Account must be credited to the Account.~~

~~4. All money remitted to the Board by a qualified third party pursuant to section 17 of this act must be deposited in the State Treasury for credit to the Account.~~

~~5. All claims against the Account must be paid as other claims against the State are paid.~~

~~6. The faith of the State is hereby pledged that the money in the Account will not be used for purposes other than those authorized by this chapter.]~~
(Deleted by amendment.)

Sec. 16. 1. ~~[The]~~ To carry out the provisions of this chapter, the Board shall ~~[adopt regulations to carry out the Nevada Green Bank Program established by this chapter which:~~

~~(a) Must include regulations establishing:~~

~~(1) The criteria for approving one or more qualified third parties to establish and administer energy improvement programs in this State;~~

~~(2) The eligibility requirements for an energy improvement program to apply for and receive distributions of money from the Account for Clean Energy Loans;~~

~~(3) The eligibility requirements for an applicant for a loan of money distributed to energy improvement programs from the Account;~~

~~(4) One or more maximum annual rates of interest, which must be below market rate but which must not be lower than 3 percent, applicable to loans of money distributed to energy improvement programs from the Account;~~

~~(5) Such other terms and conditions applicable to loans of money distributed to energy improvement programs from the Account as the Board determines are necessary;~~

~~(b) May include such other regulations] :~~

(a) Annually develop and adopt a work program to serve and support the deployment of qualified clean energy projects in this State, including, without limitation, projects benefitting single-family and multi-family residential property, commercial, industrial, educational and governmental property and hospitals and nonprofit property and any other projects which advance the purposes of this chapter;

(b) Develop rules, policies and procedures which specify the eligibility of borrowers and any other terms or conditions of the financial support to be provided by the Nevada Clean Energy Fund before financing support is provided for any qualified clean energy project;

(c) Develop and offer a range of financing structures, forms and techniques for qualified clean energy projects, including, without limitation, senior loans, subordinate loans, credit enhancements, guarantees, warehousing, securitization, and other financial products and structures;

(d) Leverage private investment in qualified clean energy projects through financing mechanisms that support, enhance and complement private investment;

(e) Develop consumer protection standards to be enforced on all investments to ensure the Nevada Clean Energy Fund and its partners are

lending in a responsible and transparent manner that is in the financial interests of the borrowers;

(f) Assess reasonable fees for the financing support and risk management activities provided by the Nevada Clean Energy Fund in amounts sufficient to cover the reasonable costs of the Fund;

(g) Collect and make available to the public in a centralized database on an Internet website maintained by the Nevada Clean Energy Fund information regarding rates, terms and conditions of all financing support transactions, unless the disclosure of such information includes a trade secret, confidential commercial information or confidential financial information;

(h) Work with market and program participants to provide information regarding best practices for overseeing qualified clean energy projects and information regarding other appropriate consumer protections;

(i) Prepare an annual report for the public on the financing activities of the Nevada Clean Energy Fund; and

(j) Undertake such other activities as are necessary to carry out the provisions of this chapter.

2. In addition to any money available through gifts, grants, donations or legislative appropriation to carry out the purposes of this chapter, the Board shall identify any other sources of money which may, in the opinion of the Board, be used to fund the Account ~~and~~ provide money for the Fund.

3. ~~The Board~~ Fund may:

(a) Sue and be sued.

(b) Have a seal.

(c) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

(d) Prepare and enter into agreements with the Federal Government for the acceptance of grants of money for the purposes of this chapter.

(e) Enter into agreements or cooperate with third parties to provide for enhanced leveraging of money ~~from~~ of the Account, Fund, additional financing mechanisms or any other program or combination of programs for the purpose of expanding the scope of financial assistance available from the ~~Account,~~ Fund.

(f) Bind the Fund and the Board to terms of any agreements entered into pursuant to this chapter.

(g) Apply for and accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this chapter.

~~[4. The Board shall not distribute any money in the Account or commit such money for expenditure for the purposes set forth in this chapter without first obtaining the approval of the Legislature or the Interim Finance Committee if the Legislature is not in session.]~~

Sec. 17. ~~[1. Except as otherwise provided in subsection 5 and sections 19 to 42, inclusive, of this act, money in the Account for Clean Energy Loans, including repayments of principal and interest on loans, and interest and income earned on money in the Account, may only be distributed, upon~~

~~application by a qualified third party, to the qualified third party and may be used by the qualified third party only to make loans at a rate established by the Board pursuant to subparagraph (4) of paragraph (a) of subsection 1 of section 16 of this act to a qualified borrower for the construction of a clean energy improvement to the primary residence of the qualified borrower.~~

~~—2. A qualified third party may:~~

~~—(a) Apply to the Board for a distribution of money from the Account to make loans to qualified borrowers for the construction of clean energy improvements.~~

~~—(b) Make a loan to a qualified borrower in accordance with the regulations adopted by the Board pursuant to section 16 of this act.~~

~~—3. A qualified third party shall, before approving an applicant for a loan of money distributed to the qualified third party from the Account, consider whether the applicant has received or is eligible to receive from any governmental entity any money or other financial incentive, including, without limitation, any grant, loan, tax credit or abatement of any tax for the purpose of financing in whole or in part the clean energy improvement of the applicant.~~

~~—4. A qualified third party that makes a loan of money distributed to the qualified third party from the Account to a qualified borrower shall remit payments of principal and interest received from the qualified borrower to the Board for deposit in the State Treasury for credit to the Account.~~

~~—5. The Board may use the interest earned on money in the Account and the interest earned on loans made by a qualified third party of money distributed from the Account to defray, in whole or in part, the costs and expenses of administering the Account and to carry out the purposes of this chapter.] (Deleted by amendment.)~~

~~Sec. 18. [In establishing and administering an energy improvement program approved by the Board, a qualified third party that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), must comply with the provisions of chapter 241 of NRS.] (Deleted by amendment.)~~

~~Sec. 19. [The Board may make, undertake commitments to make and participate with lending institutions in the making of mortgage loans to qualified borrowers to finance the acquisition, construction or refinancing of clean energy improvements to primary residences of such qualified borrowers within this State.] (Deleted by amendment.)~~

~~Sec. 20. [Any mortgage loan made by the Board or by a lending institution with the participation of the Board must be secured in such manner, be repaid in such period and bear interest at such rate or rates as are determined by the Board.] (Deleted by amendment.)~~

~~Sec. 21. [The Board may:~~

~~—1. Renegotiate, refinance or foreclose, or contract for the foreclosure of, any mortgage loan in default;~~

~~—2. Waive any default or consent to the modification of the terms of any mortgage loan;~~

~~3. Commence any action to protect or enforce any right conferred upon it by any law, mortgage, contract or other agreement;~~

~~4. Bid for and purchase property upon which it holds a mortgage at any foreclosure sale or at any other sale, or acquire and take possession of any such property;~~

~~5. Operate, manage, lease, dispose of and otherwise deal with such property in such manner as may be necessary to protect the interest of the Board and the holders of its bonds; and~~

~~6. Consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest, security or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment or agreement of any kind to which the Board is a party, subject to any agreement with bondholders or noteholders.}] (Deleted by amendment.)~~

Sec. 22. ~~[The Board may charge and collect such fees and charges as the Board may establish from time to time for its making of mortgage loans for clean energy improvements.}] (Deleted by amendment.)~~

Sec. 23. ~~[The Board may procure insurance against any loss in connection with its property and other assets, including, without limitation, mortgages and mortgage loans, in such amounts and from such insurers as the Board deems desirable.}] (Deleted by amendment.)~~

Sec. 24. ~~[The Board shall not finance any clean energy improvement unless, before such financing, the Board finds that the estimates of the Board of its revenues from the financing of the clean energy improvement, together with all subsidies, grants or other financial assistance from governmental agencies or other entities to be received in connection with the clean energy improvement, will be sufficient to pay the amount estimated by the Board as necessary for debt service on its bonds to be issued for the financing of the clean energy improvement.}] (Deleted by amendment.)~~

Sec. 25. ~~[1. The Board may issue its negotiable bonds in such principal amount as the Board determines to be necessary to provide sufficient money for achieving any of its statutory purposes, including the payment of interest on the bonds of the Board, establishment of bond reserve funds and other reserves to secure the bonds, and all other expenditures of the Board necessary or convenient to carry out its statutory purposes and powers.~~

~~2. Subject to any agreements with the holders of the bonds, all bonds issued by the Board are special obligations of the Board payable out of any revenues, money or other assets of the Board pledged thereto.}] (Deleted by amendment.)~~

Sec. 26. ~~[The bonds issued pursuant to section 25 of this act may be issued as serial bonds payable in annual installments or as term bonds, or as a combination thereof. The bonds must bear interest at such a rate or rates, be in such denominations, have such registration privileges, be executed in such a manner, be payable in such a medium of payment, at such a place or places within or outside this State, and be subject to such terms of redemption as the Board determines. The bonds of the Board may be sold by the Board at public~~

~~or private sale at such a price or prices as the Board determines except that no bond or other obligation issued by the Board may be initially distributed to the public unless the bond or obligation has received a rating in one of the three highest rating categories from a national rating service.] (Deleted by amendment.)~~

Sec. 27. ~~[The Board in issuing any bonds may contract with the holders thereof as to:~~

~~—1. Pledging all or any part of the revenues of the Board to secure the payment of the bonds subject to such agreements with noteholders or bondholders as may then exist.~~

~~—2. Pledging all or any part of the assets of the Board, including mortgages and obligations securing such assets, to secure the payment of the bonds subject to such agreements with noteholders or bondholders as may then exist.~~

~~—3. The use and disposition of the gross income from mortgages owned by the Board and the payment of principal of mortgages owned by the Board.~~

~~—4. The setting aside of reserves or sinking funds and the regulation and disposition thereof.~~

~~—5. Limitations on the purpose to which the proceeds of sale of bonds may be applied and pledging such proceeds to secure the payment of the bonds or of any issue thereof.~~

~~—6. Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds.~~

~~—7. The procedure, if any, by which the terms of any contract with noteholders or bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.~~

~~—8. Limitations on the amount of money to be expended by the Board for the operating expenses of the Board.~~

~~—9. Vesting in a trustee or trustees such property, rights, powers and duties in trust as the Board may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to this chapter and limiting or abrogating the right of the bondholders to appoint a trustee under this act or limiting the rights, powers and duties of such trustee.~~

~~—10. Defining the acts or omissions which constitute a default in the obligations and duties of the Board to the holders of the bonds and providing for the rights and remedies of the holders of the bonds in case of such default, including, as a matter of right, the appointment of a receiver, but such rights and remedies must not be inconsistent with the general laws of this State and the other provisions of this chapter.~~

~~—11. Any other matters, of like or different character, which in any way affect the security or protection of the holders of the bonds.~~

~~— Any pledge made by the Board is valid and binding from the time the pledge is made. The revenues, money or property so pledged and thereafter received by the Board are immediately subject to the lien of such pledge without any~~

~~physical delivery thereof or further act, and the lien of any such pledge is valid and binding as against all persons having claims of any kind in tort, contract or otherwise against the Board, whether or not such persons have notice thereof. Neither the proceedings of the Board relating to the bonds nor any other instrument by which a pledge is created need be recorded.] (Deleted by amendment.)~~

Sec. 28. ~~[In the discretion of the Board, bonds issued by the Board may be secured by a trust indenture or trust indentures by and between the Board and a corporate trustee, which may be any trust company or bank having the power of a trust company within or outside this State. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Board in relation to the exercise of its statutory powers and the custody, safeguarding and application of all money. The Board may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as the Board may determine. All expenses incurred in carrying out such trust indenture may be treated as part of the operating expenses of the Board. Such trust indenture may limit or abrogate the right of the holders of any bonds, notes or other obligations of the Board to appoint a trustee under sections 19 to 42, inclusive, of this act or limit the rights, powers and duties of such trustee.] (Deleted by amendment.)~~

Sec. 29. ~~[The Board may procure or agree to the procurement of insurance or guarantees from any governmental agency or from any private insurance company, of the payment of any bonds or notes or any other evidences of indebtedness thereof issued by the Board or by any lending institution, and may pay premiums on such insurance.] (Deleted by amendment.)~~

Sec. 30. ~~[1. The Board, subject to such agreements with noteholders or bondholders as may then exist, may, out of any money available therefor, purchase its bonds to retire and cancel them. The price must not exceed:~~

~~—(a) The redemption price then applicable, plus accrued interest to the next interest payment thereon if the bonds are then redeemable; or~~

~~—(b) The redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption, plus accrued interest to that date if the bonds are not redeemable.~~

~~2. The Board may, in connection with any remarketing or refunding of its bonds or for any of its purposes, acquire, or cause to be acquired, its bonds without retiring and cancelling them.] (Deleted by amendment.)~~

Sec. 31. ~~[The Board may:~~

~~—1. Provide that any bonds issued by the Board be insured or be secured by surety bonds, letters of credit not issued by the Board, guaranties or other means of assuring repayment of such bonds.~~

~~2. Require that any loans, including a mortgage loan, made or purchased by the Board be insured or be secured by surety bonds, letters of credit not issued by the Board, guaranties or other means of assuring repayment of such loans.~~

~~3. Pay the fees, charges, premiums and any other costs associated with obtaining and maintaining insurance, or other means of assuring repayment, from any available money of the Board, including, without limitation, premiums, fees and charges assessed against sponsors, lending institutions or other participants or beneficiaries of the programs of the Board.] (Deleted by amendment.)~~

Sec. 32. ~~[1. The Board may issue refunding obligations to refund any obligations then outstanding which have been issued under the provisions of this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of the obligations, and for any statutory purpose of the Board. The issuance of the obligations, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Board in respect to them are governed by the provisions of this chapter which relate to the issuance of original obligations insofar as appropriate.~~

~~2. Refunding obligations issued as provided in this section may be sold or exchanged for outstanding obligations issued under this chapter and, if they are sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of the outstanding obligations. Pending the application of the proceeds of the refunding obligations, with any other available funds, to the purpose for which they are issued, the proceeds may be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by the United States of America, or obligations of any agency or instrumentality of the United States of America, which mature or which are subject to redemption by the holders thereof, at the option of such holders, not later than the respective dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended.] (Deleted by amendment.)~~

Sec. 33. ~~[1. The Board may establish one or more bond reserve funds, and shall pay into each such bond reserve fund:~~

~~(a) Any money appropriated by the Legislature for the purpose of the fund;~~

~~(b) Any proceeds of the sale of bonds to the extent provided in connection with the issuance thereof; and~~

~~(c) Any other money which may be available to the Board for the purpose of the fund from any other source or sources.~~

~~2. All money held in any bond reserve fund, except as otherwise expressly provided in sections 19 to 42, inclusive, of this act, must be used, as required, solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to such bonds, the purchase or redemption of such bonds, the payment of interest on such bonds~~

~~or the payment of any redemption premium required to be paid when the bonds are redeemed before maturity.~~

~~—2.— Money in such a fund must not be withdrawn from the fund at any time in an amount that would reduce the amount of the fund below the requirement established for that fund, except to pay when due, with respect to bonds secured in whole or in part by that fund, principal, interest, redemption premiums and sinking fund payments for the payment of which other money of the Board is not available.}] (Deleted by amendment.)~~

Sec. 34. ~~[The Board shall not at any time pursuant to this chapter issue bonds, secured in whole or in part by a bond reserve fund, if upon the issuance of those bonds, the amount in that bond reserve fund will be less than the bond reserve fund requirement for that fund, unless the Board at the time of issuance of those bonds deposits in that fund from the proceeds of the bonds issued, or from other sources, an amount which, together with the amount then in that fund, will not be less than the bond reserve fund requirement for that fund. The bond reserve fund requirement, as of any particular date of computation, is an amount of money, specified in the proceedings of the Board authorizing the bonds with respect to which the fund is established, necessary to provide adequate reserves for debt service on the bonds.}] (Deleted by amendment.)~~

Sec. 35. ~~[The provision of bond reserve fund requirements is designed to assure the continued operation and solvency of the Board for the carrying out of its statutory purposes.}] (Deleted by amendment.)~~

Sec. 36. ~~[1.— If the Board defaults in the payment of principal of or interest on any bonds issued pursuant to this chapter after the payment is due, whether at maturity or upon call for redemption, and such default continues for a period of 30 days, or if the Board fails or refuses to comply with the provisions of this chapter or defaults in any agreement made with the holders of an issue of its bonds, the holders of 25 percent in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the Office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes provided in this section.~~

~~—2.— The trustee may, and upon written request of the holders of 25 percent in principal amount of such bonds then outstanding shall, in the trustee's own name:~~

~~—(a) Enforce the right of the bondholders or noteholders to require the Board to collect interest and amortization payments on the mortgages held by the Board that are adequate to carry out any agreement as to, or pledge of, such interest and amortization payments, and to require the Board to carry out any other agreements with the holders of such bonds and to perform the duties of the Board pursuant to sections 19 to 42, inclusive, of this act.~~

~~—(b) Enforce the right of the bondholders or noteholders to collect and enforce the payment of principal of and interest due or becoming due on loans and collect and enforce any rights in respect to collateral securing such loans~~

~~or sell such collateral, so as to carry out any contract as to, or pledge of revenues, and to require the Board to carry out any contract as to, or pledge of revenues, and to require the Board to perform the duties of the Board pursuant to sections 19 to 42, inclusive, of this act.~~

~~—(c) Bring suit upon all or any part of such bonds.~~

~~—(d) By civil action, require the Board to account as if it were the trustee of an express trust for the holders of such bonds.~~

~~—(e) By civil action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds.~~

~~—(f) Declare all such bonds due, and if all defaults are made good then with the consent of the holders of 25 percent of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.~~

~~—(g) Enforce any other right of the bondholders or noteholders conferred by law or by the proceedings of the Board authorizing the issuance of the bonds.~~

~~—3. The trustee shall, in addition to the powers listed in subsection 2, have all the powers necessary or appropriate for the exercise of any functions specifically set forth in this section or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.~~

~~—4. Before declaring the principal of bonds due, the trustee shall give 30 days' notice in writing to the Governor, to the Board and to the Attorney General.~~

~~—5. The District Court of the First Judicial District has jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders or noteholders.~~ (Deleted by amendment.)

Sec. 37. ~~[1. The State of Nevada hereby pledges to and agrees with the holders of any bonds issued pursuant to this chapter that the State will not limit or alter the rights vested in the Board by this chapter to fulfill the terms of any agreements made with such holders or in any way impair the rights and remedies of such holders until such bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The Board may include this pledge and agreement of the State in any agreement with the holders of such bonds.~~

~~—2. Obligations issued pursuant to the provisions of sections 19 to 42, inclusive, of this act, including, without limitation, letters of credit issued by the Board, do not constitute a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or of any political subdivision thereof, but are payable solely from the revenues or assets of the Board. Neither the members of the Board nor any person executing the bonds is liable personally on the bonds by reason of the issuance thereof. Each obligation, including, without limitation, a letter of credit, issued pursuant to sections 19 to 42, inclusive, of this act must contain on the face thereof a statement to the effect that the Board is not obligated to pay the obligation or the interest thereon except from the revenues or assets pledged therefor and that neither the faith and credit nor the taxing power of~~

~~this State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.}] (Deleted by amendment.)~~

Sec. 38. ~~[The Board may submit to the Attorney General any bonds to be issued pursuant to sections 19 to 42, inclusive, of this act after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the Attorney General, the Attorney General shall examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If the proceedings conform to the provisions of sections 19 to 42, inclusive, of this act and are otherwise regular in form, and if such bonds when delivered and paid for will constitute binding and legal obligations of the Board enforceable according to the terms thereof, the Attorney General shall certify in substance upon the back of each of the bonds that it is issued in accordance with the Constitution and laws of the State of Nevada.}] (Deleted by amendment.)~~

Sec. 39. ~~[1. The bonds of the Board are legal investments in which all public officers and public bodies of the State, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings and loan associations and trust companies, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons who are authorized to invest in bonds or in other obligations of this State, may properly and legally invest funds, including capital, in their control or belonging to them. The bonds are securities which may properly and legally be deposited with and received by all public officers and public bodies of this State or any agency or political subdivision of this State and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of this State is authorized by law and may be used as collateral to secure any deposit of public money.~~

~~2. The notes and bonds of the Board are securities within the meaning of the Uniform Commercial Code Investment Securities.}] (Deleted by amendment.)~~

Sec. 40. ~~[If any of the members or officers of the Board whose signatures appear on any bonds or coupons cease to be such members or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such members or officers had remained in office until such delivery.}] (Deleted by amendment.)~~

Sec. 41. ~~[1. A member or employee of the Board or an employee of the Office of Energy shall not voluntarily acquire any interest, direct or indirect, except as a residential tenant, in any clean energy improvement or in any contract or proposed contract in connection with any clean energy improvement or in any mortgage loan for a clean energy improvement made pursuant to the provisions of this chapter. Where the acquisition is not voluntary, the member or employee shall immediately disclose the interest in~~

~~writing to the Board and the disclosure must be entered upon the minutes of the Board. Upon disclosure, the member or employee shall not participate in any action by the Board involving the improvement, property, contract or mortgage loan for a clean energy improvement. If any member or employee of the Board previously owned or controlled an interest, direct or indirect, in any property included or planned to be included in any clean energy improvement, in any contract or proposed contract in connection with any clean energy improvement or in any mortgage loan for a clean energy improvement, he or she shall immediately disclose the interest in writing to the Board and the disclosure must be entered upon the minutes of the Board. Upon disclosure, the member or employee shall not participate in any action by the Board involving the improvement, property contract or mortgage loan.~~

~~2. A violation of any provision of this section constitutes malfeasance in office.~~

~~3. This section is not applicable to the acquisition of any interest in bonds of the Board or the execution of agreements by financial institutions for the deposit or handling of money in connection with a clean energy improvement or to act as trustee under any trust indenture.~~ (Deleted by amendment.)

Sec. 42. ~~[1. Except as otherwise provided in subsection 2, all real and personal property of the Board, including, without limitation, money, owned or held by it for the purposes of this chapter, are exempt from levy and sale by virtue of an execution or other judicial process. Execution or other judicial process may not issue against such property, nor may any judgment against the Board be a charge or lien upon such property.~~

~~2. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust or other encumbrance of the Board or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Board on its rents, fees or revenues.]~~ (Deleted by amendment.)

Sec. 43. Notwithstanding the provisions of section 14 of this act, as soon as practicable on or after July 1, 2017, the Governor shall appoint the members of the Board of Directors of the Nevada ~~[Green Bank Program]~~ Clean Energy Fund identified in:

1. Paragraphs (e), (g) and (i) of subsection 1 of section 14 of this act to initial terms of ~~[1 year]~~ 2 years; and

2. Paragraphs (f) and (h) of subsection 1 of section 14 of this act to initial terms of ~~[2]~~ 3 years.

Sec. 44. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 606 makes three changes to Senate Bill No. 407. The amendment deletes the bill in its entirety. It amends the bill to establish and support an independent, non-profit corporation for public benefit, whose purpose is to promote investment in Qualified Clean Energy Projects in Nevada; clarify the Board of Directors is immune from liability in certain circumstances, modeled after chapter 82 of Nevada Revised Statutes; and amends the bill to replace "Green Bank" with "Clean Energy Fund."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 609.

SUMMARY—Revises provisions governing pupil publications in public schools and student publications in the Nevada System of Higher Education. (BDR 34-776)

AN ACT relating to education; requiring the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils to adopt a written policy relating to the distribution of and right of expression for pupils working as journalists on pupil publications; ~~authorizing~~ requiring the Board of Regents of the University of Nevada to adopt a similar policy for student publications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that each pupil of a public school, including a pupil enrolled in a charter school or a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution. (NRS 388.077) Section 1 of this bill requires the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils to adopt a written policy for pupil publications which: (1) establishes reasonable provisions governing the time, place and manner for the distribution of those publications; ~~and~~ (2) protects the right of expression for pupils working on those publications as journalists ~~and~~; (3) prohibits restrictions on the publication of any content in a pupil publication unless the content would substantially disrupt the performance of the school's educational mission or taking certain adverse actions against a pupil or adviser relating to pupil publications; (4) includes procedures for disciplining pupils, and persons acting as advisers on pupil publications who violate the policy; and (5) includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school. Section 2 of this bill ~~authorizes~~ requires the Board of Regents of the University of Nevada to adopt a similar written policy for student publications. In addition, section 1 requires the written policy for pupil publications adopted by the board of

trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils to include procedures for determining before publication whether any content would substantially disrupt the performance of the school's educational mission.

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

Section 1. NRS 388.077 is hereby amended to read as follows:

388.077 1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to bully or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.

3. *The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a written policy for pupil publications which:*

(a) Establishes reasonable provisions governing the time, place and manner for the distribution of pupil publications; ~~and~~

(b) Protects the right of expression described in subsection 1 for pupils working on pupil publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of pupil publications ~~and~~;

(c) Includes procedures for determining before publication whether the content would substantially disrupt the ability of the public school to perform its educational mission if published in a pupil publication;

(d) Includes procedures for disciplining a pupil, employee or other person acting as an adviser for a pupil publication or as an adviser of pupils working as journalists on a pupil publication who violates the policy;

(e) Prohibits, without limitation, the following:

(1) Restricting the publication of any content in pupil publications unless the content would substantially disrupt the ability of the public school to perform its educational mission;

(2) Dismissing, suspending, disciplining or retaliating against an employee or other person acting as an adviser for a pupil publication or as an adviser for pupils working as journalists on a pupil publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a pupil engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(3) Expelling, suspending or otherwise disciplining a pupil for engaging in conduct in accordance with the policy, even if such conduct substantially disrupts the ability of the public school to perform its educational mission; and
(f) Includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school.

4. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils ~~must~~ shall adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 or 3 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

Sec. 2. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board of Regents ~~may~~ shall adopt a written policy for the Universities, state colleges and community colleges within the System for student publications which:

1. Establishes reasonable provisions governing the time, place and manner for the distribution of student publications; ~~and~~

2. Protects the right of expression in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution for students working on student publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the student publications ~~for~~;

3. Includes procedures for disciplining a student, faculty member, employee or other person acting as an adviser for a student publication or as an adviser for students working as journalists on a student publication who violates the policy;

4. Prohibits, without limitation, the following:

(a) Restricting the publication of any content in student publications unless the content would substantially disrupt the ability of the institution to perform its educational mission;

(b) Dismissing, suspending, disciplining or retaliating against a faculty member, employee or other person acting as an adviser for a student publication or as an adviser to students working as journalists on a student publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a student engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(c) Expelling, suspending or otherwise disciplining a student for engaging in conduct in accordance with the policy, even if such conduct substantially disrupts the ability of the institution to perform its educational mission; and

5. Includes a disclaimer indicating that any content published in a student publication is not endorsed by the Board of Regents, the System or a university, state college or community college within the System.

Sec. 3. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 609 to Senate Bill No. 420 requires the inclusion of certain additional provisions in a written policy concerning student publications, and requires such a policy to be adopted by the Board of regents.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 491.

Bill read second time.

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

Amendment No. 512.

SUMMARY—Makes various changes relating to mechanical voting systems and mechanical recording devices. (BDR 24-491)

AN ACT relating to elections; prohibiting the use of mechanical voting systems and mechanical recording devices unless the systems or devices are approved by the Secretary of State; authorizing the Secretary of State and certain counties to enter into an agreement for the lease of approved mechanical voting systems and mechanical recording devices without an option to purchase such systems or devices; making various other changes relating to mechanical voting systems and mechanical recording devices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners or a governing body of a city to purchase and adopt for use at elections any mechanical voting system and mechanical recording device if the system or device is approved by the Secretary of State. (NRS 293B.105) Section 1.3 of this bill provides that no mechanical voting system or mechanical voting device may be purchased or leased in or used in any election of this State unless the system or device is approved by the Secretary of State. Section 1.9 of this bill makes a conforming change.

Existing law authorizes a board of county commissioners to: (1) purchase mechanical voting systems and mechanical recording devices; or (2) lease mechanical voting systems and mechanical recording devices from the Secretary of State with an option for the county to purchase such systems and devices. (NRS 293B.104, 293B.124) Section ~~1.4~~ 1.6 of this bill provides an additional option for counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) by authorizing the board of county commissioners of such a county to lease approved mechanical voting

systems and mechanical recording devices from the Secretary of State without the option to purchase. Sections 2-7 of this bill make conforming changes.

Existing law provides that if the Secretary of State leases mechanical voting systems and mechanical recording devices to a county, the rental payments from such lease are deposited in the State General Fund. Sections ~~1.1~~ 1.6, 5 and 6 provide that the rental payments must be: (1) deposited into a separate account in the State General Fund; and (2) used to pay the costs of replacing aging and outdated mechanical voting systems and mechanical recording devices.

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

Section 1. Chapter 293B of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. 1. No mechanical voting system or mechanical recording device may be purchased or leased in or used in any election of this State unless the system or device is approved by the Secretary of State.

2. A person who owns or has an interest in a mechanical voting system or mechanical recording device may submit an application to the Secretary of State to have the system or device examined for approval for use during the elections of this State. The Secretary of State shall approve or disapprove the use of such a system or device not later than 120 days after the application is submitted.

3. As a condition to approval, the person shall have the mechanical voting system or mechanical recording device independently examined by a person approved by the Secretary of State. The examiner shall:

(a) Review and analyze any electronic or computerized features of the system or device; and

(b) Prepare and submit to the Secretary of State a report of the results of the examination which includes a statement of the opinion of the examiner regarding the feasibility of using such a system or device during the elections of this State, with consideration for the safe and proper operation of the system or device under the conditions prescribed by the applicable election laws.

4. Any cost for the independent examination of a mechanical voting system or mechanical recording device conducted pursuant to subsection 3 must be paid by the person who submits an application to have the system or device approved by the Secretary of State.

5. The Secretary of State shall approve a mechanical voting system or mechanical recording device for use during the elections of this State if:

(a) The report prepared pursuant to subsection 3 states that the system or device can be used safely and properly in this State; and

(b) The Secretary of State determines after independently examining the system or device that it can be used safely and properly in this State.

6. Before a city or county may change or improve a mechanical voting system or mechanical recording device that has been approved by the

Secretary of State pursuant to this section, the city or county must obtain approval from the Secretary of State. If any such change or improvement does not comply with the requirements of this section, the Secretary of State shall not approve the use or sale of any system or device that incorporates the change or improvement in this State.

7. The Secretary of State may reexamine a mechanical voting system or mechanical recording device or any part thereof at any time for the purpose of approving a change or improvement pursuant to subsection 6 or to ensure that the system or device continues to comply with the election laws of this State.

8. The Secretary of State and any examiner of a mechanical voting system or mechanical recording device must not have any pecuniary interest in the system or device examined.

9. The Secretary of State may establish regulations to carry out the provisions of this section.

Sec. 1.6. 1. The Secretary of State and a county whose population is less than 100,000 may enter into a written agreement for the lease of mechanical voting systems and mechanical recording devices, without an option for the county to purchase such systems and devices. Each agreement must provide in substance that:

(a) The systems or devices particularly described in the agreement are leased by the State, as lessor, to the county, as lessee, for a term of 2 years from the date of the agreement, with an exclusive option in the lessee to extend the term for like periods of 2 years at a time.

(b) The lessee will maintain and insure the systems and devices for the original term and each succeeding agreed term.

(c) The aggregate of rental payments for a term of 2 years under the lease does not exceed 10 percent of the purchase price of the systems and devices described in the agreement.

2. All rental payments received under all such agreements entered into pursuant to this section must be deposited into a separate account in the State General Fund to be used to pay the costs of replacing aging and outdated mechanical voting systems and mechanical recording devices.

Sec. 1.9. NRS 293B.105 is hereby amended to read as follows:

293B.105 ~~[1.]~~ The board of county commissioners of any county or the city council or other governing body of any city may purchase and adopt for use at elections any mechanical voting system and mechanical recording device ~~if the system or device is:~~

~~(a) Approved by the Secretary of State pursuant to subsection 2; or~~

~~(b) Specifically authorized by law.~~

~~→] The system or device may be used at any or all elections held in the county or city, for voting, registering and counting votes cast.~~

~~[2. A person who owns or has an interest in a mechanical voting system or mechanical recording device may submit an application to the Secretary of State to have the system or device examined for approval for use during the~~

~~elections of this State. The Secretary of State shall approve or disapprove the use of such a system or device not later than 120 days after the application is submitted.~~

~~3. As a condition to approval, the person shall have the system or device independently examined by a person approved by the Secretary of State. The examiner shall:~~

~~(a) Review and analyze any electronic or computerized features of the system or device; and~~

~~(b) Prepare a report of the results of the examination for the Secretary of State which includes a statement of the examiner's opinion regarding the feasibility of using such a system or device during the elections of this State with consideration for the safe and proper operation of the system or device under the conditions prescribed by the applicable election laws.~~

~~4. Any cost for the independent examination of a system or device must be paid by the person who submits an application to have the system or device approved by the Secretary of State.~~

~~5. The Secretary of State shall approve a mechanical voting system or mechanical recording device for use during the elections of this State if:~~

~~(a) The report prepared pursuant to subsection 3 states that the system or device can be used safely and properly in this State; and~~

~~(b) The Secretary of State determines after independently examining the system or device that it can be used safely and properly in this State.~~

~~6. Before a city or county may change or improve a system or device that has been approved by the Secretary of State, it must obtain approval from the Secretary of State. If any change or improvement does not comply with the requirements of this section, the Secretary of State shall not approve the use or sale of any system or device that incorporates the change or improvement in this State.~~

~~7. The Secretary of State may reexamine a system or device or any part thereof at any time for the purpose of approving a change or improvement or to ensure that the system or device continues to comply with the election laws of this State.~~

~~8. The Secretary of State and any examiner of a system or device must not have any pecuniary interest in the system or device examined.~~

~~9. The Secretary of State may establish regulations to carry out the provisions of this section.]~~

Sec. 2. NRS 293B.110 is hereby amended to read as follows:

293B.110 A mechanical voting system or *mechanical recording device* may be adopted for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may be furnished with paper ballots or any other mechanical voting system ~~[.]~~ or *mechanical recording device*.

Sec. 3. NRS 293B.115 is hereby amended to read as follows:

293B.115 The board of county commissioners, city council or other governing body which adopts a mechanical voting system ~~[.]~~ or *mechanical*

recording device as soon as practicable after adopting it, shall provide for each polling place one or more *mechanical voting systems* or mechanical recording devices in complete working order. When the *systems and* devices are not in use at an election, the board, council or governing body shall take custody of them and of the furniture and equipment of the polling place.

Sec. 4. NRS 293B.120 is hereby amended to read as follows:

293B.120 The board of county commissioners of any county or the city council or other governing body of any city, without formally adopting a mechanical voting system or *mechanical recording device* which it might lawfully adopt, may provide for its experimental use at an election in one or more precincts. Its use at the election is as valid for all purposes as if it were lawfully adopted.

Sec. 5. NRS 293B.122 is hereby amended to read as follows:

293B.122 1. The Secretary of State may purchase *mechanical voting systems and* mechanical recording devices and ~~for giving priority to those counties still using paper ballots,~~ lease them to ~~counties, giving priority to those counties still using paper ballots.~~ :

(a) A county whose population is 100,000 or more pursuant to the provisions of NRS 293B.124.

(b) A county whose population is less than 100,000 pursuant to the provisions of NRS 293B.124 or section ~~1.6~~ 1.6 of this act.

2. The Secretary of State may pay for such systems and devices purchased pursuant to subsection 1 out of any money ~~specifically~~ :

(a) Specifically appropriated for that purpose by the Legislature ~~for~~ ; or

(b) In an account established pursuant to NRS 293B.124 or section ~~1.6~~ 1.6 of this act.

Sec. 6. NRS 293B.124 is hereby amended to read as follows:

293B.124 1. ~~The~~ If a county wants to lease ~~from the Secretary of State~~ *mechanical voting systems or mechanical recording devices* ~~from~~ which have been approved pursuant to section 1.3 of this act by the Secretary of State ~~with the option to purchase such system or devices,~~ the Secretary of State and ~~each participating~~ the county shall enter a written agreement designated as "Lease of Equipment with Option to Purchase." Each agreement must provide in substance:

(a) That the systems and devices particularly described in the agreement are leased by the State, as lessor, to the county, as lessee, for a term of 2 years from the date of the agreement, with an exclusive option in the lessee to extend the term for like periods of 2 years at a time, for an agreed maximum term not exceeding 20 years after the date of the agreement.

(b) That the lessee will maintain and insure the systems and devices for the original term and each succeeding agreed term.

(c) That the aggregate of rental payments provided for under the maximum term of the lease agreement must equal the aggregate of the purchase price of the *mechanical voting systems and* mechanical recording devices covered by the agreement, together with all interest, shipping, installation and other costs

paid or agreed to be paid by the State. Upon payment of the latter aggregate sum by any lessee to the State, the State shall forthwith convey to that lessee legal title to the systems *and devices* covered by the paid agreement.

2. ~~{The Secretary of State shall promptly transmit all}~~ All rental payments received under all such agreements ~~{to}~~ entered into pursuant to this section must be deposited into a separate account in the State General Fund ~~{-}~~ to be used to replace aging and outdated mechanical voting systems and mechanical recording devices.

Sec. 7. NRS 293B.125 is hereby amended to read as follows:

293B.125 1. ~~{The}~~ If a county or city purchases a mechanical voting system or mechanical recording device, the cost of ~~{a mechanical voting system}~~ such purchase is a charge upon the county or city. ~~{adopting it.}~~

2. The board of county commissioners or city council or other governing body of any city may provide for the payment of the costs of such ~~{a voting system}~~ systems and devices in such manner and by such method as they consider in the best local interests, and also may for that purpose issue bonds, certificates of indebtedness, or other obligations which are a charge on the county or city. The bonds, certificates or other obligations may be issued with or without interest, payable at such time as the authorities may determine, but may not be issued or sold at less than par.

Sec. 8. This act becomes effective upon passage and approval.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 512 to Senate Bill No. 491 clarifies that only those mechanical-voting systems and recording devices approved by the Secretary of State may be purchased, leased or used in Nevada; restructures, but does not change, existing language in NRS 293B.105 to separate provisions relating the approval of voting systems and those provisions authorizing local governments to purchase voting systems, and deletes language in the measure that would have given priority to counties still using paper ballots as it relates to entering into an agreement to rent voting systems.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 497.

Bill read second time.

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

Amendment No. 513.

SUMMARY—Creates the Advisory Task Force on School Leader Management. (BDR S-332)

AN ACT relating to education; creating the Advisory Task Force on School Leader Management; requiring the Task Force to conduct a study concerning the ~~{statewide performance}~~ evaluation ~~{system}~~, preparation, licensure, recruitment, professional development and compensation of educational administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Advisory Task Force on School Leader Management to conduct a study during the 2017-2018 legislative interim. ~~Concerning~~ The study must consider : (1) the statewide performance evaluation system as it relates to administrators ~~specifically the manner in which the system links and aligns:~~ (1) : (2) systems of school leader preparation; ~~(2)~~ (3) the ~~certification~~ qualifications for licensure of administrators; ~~(3)~~ (4) the recruitment of administrators; ~~(4)~~ (5) professional development for administrators; ~~(5) the evaluation of administrators;~~ and (6) the compensation of administrators. The Task Force is required to submit a report of its activities, findings and recommendations to ~~the Governor, the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Legislature~~ certain specified persons and entities on or before May 31, 2018.

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

Section 1. 1. The Advisory Task Force on School Leader Management is hereby created consisting of:

(a) Two members of the State Board of Education, appointed by the President of the Board;

(b) Two members who ~~are~~ may be Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(c) Two members who ~~are~~ may be members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly; ~~and~~

(d) One member who is a school administrator, appointed by the Nevada Association of School Administrators, or its successor organization ~~it~~;

(e) One member who is a licensed teacher, appointed by the Nevada State Education Association, or its successor organization;

(f) One member who is the superintendent of schools of a school district, appointed by the Nevada Association of School Superintendents, or its successor organization;

(g) One member who is the dean of a college of education at one of the universities of the Nevada System of Higher Education or a representative of such a college of education nominated by such a dean, appointed by the Chancellor of the System;

(h) One member who is the parent of a pupil enrolled in a public school in this State, appointed by the Legislative Commission from a list of nominees submitted by the Nevada Parent Teacher Association;

(i) One member appointed by the Teachers and Leaders Council of Nevada created by NRS 391.455 from among its members; and

(j) One member who represents the business community in this State, appointed by the Legislative Commission.

2. The Task Force shall study ~~the~~ :

(a) The statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465 as it relates to administrators, ~~including, without limitation, the manner in which the system links and aligns:~~

~~(a)~~ :

(b) Systems of school leader preparation, ~~as approved by the State Board of Education pursuant to NRS 391.038 or by the Commission on Professional Standards in Education pursuant to NRS 391.019:~~

~~(b)~~ , as approved by the State Board of Education pursuant to NRS 391.038 or by the Commission on Professional Standards in Education pursuant to NRS 391.019;

(c) The ~~certification~~ qualifications for licensure of administrators, ~~as prescribed by the Commission on Professional Standards in Education pursuant to NRS 391.019:~~

~~(c)~~ prescribed by the Commission on Professional Standards in Education pursuant to NRS 391.019;

(d) The recruitment of administrators;

~~((d))~~ (e) Professional development for administrators, ~~as provided by a school district, regional training program for the professional development of teachers and administrators or other entity; and~~

~~(e) The evaluation of administrators,~~ as provided by a school district, regional training program for the professional development of teachers and administrators or other entity; and

(f) The compensation of administrators, ~~pursuant to chapter 288 of NRS and any program of performance pay and enhanced compensation established by a school district pursuant to NRS 391A.450.~~

3. The Task Force may make recommendations concerning any matter relating to the study to ensure that all areas of the study are aligned statewide so that school leaders are adequately prepared to ensure the college and career readiness of all pupils, including, without limitation, recommendations concerning:

(a) Budgets;

(b) Proposed legislation;

(c) Proposed regulations; and

(d) Policies.

4. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair and a Vice Chair by majority vote.

~~{4}~~ 5. The Task Force shall hold its first meeting not later than August 31, 2017, and shall meet not less than four times before June 30, 2018.

~~{5}~~ 6. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

~~{6}~~ 7. The Department of Education shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties.

~~{7}~~ 8. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to make up the time he or she is

absent from work to carry out his or her duties as a member of the Task Force or take annual leave or compensatory time for the absence.

~~[9. The Legislators]~~

9. Any costs associated with employing a substitute teacher to enable a member of the Task Force who is a teacher to attend a meeting of the Task Force must be paid by the school district or charter school that employs the member.

10. A Legislator who ~~are members~~ is a member of the Task Force ~~are~~ is entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day's attendance at a meeting of the Task Force, the per diem allowance provided for state officers generally and travel expenses provided pursuant to NRS 218A.655. The compensation, per diem allowances and travel expenses of the legislative members of the Task Force , if any, must be paid from the Legislative Fund.

~~[9.]~~ 11. While engaged in the business of the Task Force, to the extent that money is available for that purpose, the members of the Task Force who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[10.]~~ 12. The Task Force shall, on or before May 31, 2018, prepare and submit a report outlining the activities , findings and recommendations of the Task Force to:

- (a) The Governor;
- (b) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; ~~and~~
- (c) The State Board of Education ~~;~~ ;
- (d) The Commission on Professional Standards in Education; and
- (e) The Teachers and Leaders Council of Nevada.

13. As used in this section, "administrator" means an administrator who provides primarily administrative services at the school level or an administrator at the district level who provides direct supervision of the principal of a school.

Sec. 2. This act becomes effective on July 1, 2017, and expires by limitation on June 30, 2018.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 513 to Senate Bill No. 497 adjusts the membership of the Task Force to specify that members appointed by legislative leadership may or may not be Legislators; provides for several additional members on the Task Force, including a teacher, a superintendent of a school district, a representative of one of the Colleges of Education within the Nevada System of Higher Education and a parent of a student enrolled in a public school in Nevada; adds language specifying that any costs associated with employing a substitute teacher while a member of the Task Force attends a meeting of the Task Force must be paid by the school district or charter school that employs that member; further clarifies the scope of study as it relates to the compensation, recruitment and evaluation of school administrators, and provides other issues about which the Task Force may make recommendations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 189, 233, 497 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 59.

Bill read second time.

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

Amendment No. 279.

SUMMARY—~~[Requires the reporting of certain information to the database of]~~ Revises provisions relating to the program to monitor prescriptions for certain controlled substances. (BDR 40-386)

AN ACT relating to controlled substances; requiring ~~a law enforcement officer who encounters certain situations relating to prescribed controlled substances or who receives a report of a stolen prescription for a controlled substance to report~~ the uploading of certain information to his or her employer; requiring the employer of such a law enforcement officer to upload such reported information to the database of the program developed by the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to monitor prescriptions for certain controlled substances; authorizing a coroner, medical examiner or deputy thereof who meets certain requirements to access the database of the program; expanding the scope of the program to include certain additional controlled substances; requiring a practitioner to obtain a patient utilization report before prescribing certain controlled substances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to develop a computerized program to track each prescription for ~~[certain] a controlled [substances]~~ substance listed in schedule II, III or IV filled by a pharmacy or dispensed by a practitioner registered with the Board. The program is required to be designed to provide information regarding: (1) the inappropriate use by a patient of certain controlled substances to pharmacies, practitioners and appropriate state and local governmental agencies to prevent the improper or illegal use of such controlled substances; and (2) statistical data relating to the use of those controlled substances. (NRS 453.162) Sections 2-3 of this bill expand the scope of the program to also track each prescription for a controlled substance listed in schedule V.

Existing law requires the Board to allow certain law enforcement officers to have Internet access to the database of the program only for the purpose of investigating a crime related to prescription drugs. (NRS 453.165)

Section ~~4.1~~ 1.3 of this bill requires a law enforcement officer who encounters certain situations involving prescribed controlled substances or who receives a report of a stolen prescription for a controlled substance while acting in his or her official capacity ~~and in the regular course of an investigation~~ to report certain information to his or her employer. Section 1.3 requires a coroner, medical examiner or deputy thereof who determines, as the result of an investigation of the death of a person, that the person died as the result of using a prescribed controlled substance, to upload certain information to the database of the program or, if the coroner, medical examiner or deputy thereof does not have such access, report such information to a coroner, medical examiner or deputy thereof who has access to the database. Section ~~4.1~~ 1.3 also requires the employer of the law enforcement officer ~~or a coroner, medical examiner or deputy thereof~~ to upload such reported information to the database of the program as soon as practicable after receiving the information ~~(unless)~~ ~~except where the employer of a law enforcement officer determines that uploading the information will interfere with an active criminal investigation.~~ ~~In that case,~~ ~~the employer may postpone uploading the information until after the conclusion of the investigation.~~ Section ~~4.1~~ 1.3 further provides that each law enforcement officer ~~or~~ ~~employer of a law enforcement officer~~ ~~, coroner, medical examiner or deputy of a coroner or medical examiner~~ who makes a good faith effort to comply with section ~~4.1~~ 1.3, or a regulation adopted pursuant thereto, is immune from civil and criminal liability for any act or omission relating to the transmission of information pursuant to section ~~4.1~~ 1.3. Section 1.6 of this bill authorizes a coroner, medical examiner or deputy thereof who meets certain requirements to access the database of the computerized program to: (1) upload information concerning the death of a person due to using a prescribed controlled substance; or (2) investigate the death of a person.

Existing law requires a practitioner to obtain a patient utilization report from the computerized program before initiating a prescription for a controlled substance listed in schedule II, III or IV. Section 5.5 of this bill additionally requires a practitioner to obtain such a report before initiating a prescription for an opioid that is a controlled substance listed in schedule V.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. 1. If a law enforcement officer, while acting in his or her official capacity ~~and in the regular course of an investigation:~~

(a) Encounters a situation in which the law enforcement officer has reasonable suspicion that a violation of this chapter involving a prescription for a controlled substance is occurring or has occurred;

~~(b) Encounters a person who the law enforcement officer believes is experiencing or, immediately before the encounter, has experienced an overdose as a result of using a prescribed controlled substance;~~

~~(c)~~ Encounters a deceased person who the law enforcement officer believes died as a result of using a prescribed controlled substance; or

~~(d)~~ (c) Receives a report of a stolen prescription for a controlled substance,

the law enforcement officer shall report to his or her employer the information required by subsection ~~2.3~~ 3.

2. A coroner, medical examiner or deputy thereof who, as the result of an investigation into the cause of a death determines that a person died as the result of using a prescribed controlled substance, shall:

(a) If the coroner, medical examiner or deputy thereof has access to the database of the computerized program developed pursuant to NRS 453.162, upload the information required by subsection 3 as soon as practicable; or

(b) If the coroner, medical examiner or deputy thereof does not have access to the database of the computerized program developed pursuant to NRS 453.162, report the information to a coroner, medical examiner or deputy thereof who has such access.

3. A law enforcement officer or a coroner, medical examiner or deputy thereof who is required to report or upload, as applicable, information pursuant to subsection 1 or 2 shall report ~~to his or her employer~~ or upload, as applicable, the following information, to the extent such information is available and applicable:

(a) The name of the person who:

(1) Is suspected of violating this chapter;

(2) Is believed to have experienced an overdose as a result of using a prescribed controlled substance;

(3) Is believed to have died as a result of using a prescribed controlled substance; or

(4) Filed the report of a stolen prescription for a controlled substance.

(b) The name of the person to whom the controlled substance involved in an event described in subsection 1 or 2 is or was prescribed.

(c) If a prescription container for the controlled substance is found in the vicinity of the location of an event described in paragraph (a) ~~for~~ or (b) ~~for (c)~~ of subsection 1 or subsection 2 or if a prescription for a controlled substance is reported stolen:

(1) The name of the prescribing practitioner;

(2) The prescription number; and

(3) The name of the controlled substance as it appears on the prescription container or prescription order.

~~4.4~~ 4. Except as otherwise provided in subsection ~~4.4~~ 5, an employer of a law enforcement officer or a coroner, medical examiner or deputy thereof who receives ~~information~~ a report pursuant to subsection ~~2.1~~ 1 or 2 shall, as soon as practicable after receiving ~~such information~~, that report, upload to the database of the program established pursuant to NRS 453.162 notice of the occurrence of an event described in subsection 1 or 2, as applicable, and the information received pursuant to subsection ~~2.1~~ 3. The employer of a law enforcement officer or a coroner, medical examiner or deputy thereof shall ensure that only a ~~law enforcement officer~~ person who is authorized to access the database of the program pursuant to NRS 453.165 or section 1.6 of this act uploads such information.

~~4.4~~ 5. If an employer of a law enforcement officer determines that uploading any information to the database of the program pursuant to subsection ~~3.1~~ 4 will interfere with an active criminal investigation, the employer may postpone uploading such information until after the conclusion of the investigation.

~~5.1~~ 6. Each law enforcement officer or employer of a law enforcement officer and each coroner, medical examiner and deputy thereof who makes a good faith effort to comply with this section, or a regulation adopted pursuant thereto, is immune from civil and criminal liability for any act or omission relating to the transmission of information pursuant to this section.

~~6.1~~ 7. As used in this section, "law enforcement officer" has the meaning ascribed to it in NRS 453.165.

Sec. 1.6. 1. Except as otherwise provided in this section, the Board shall allow:

(a) A coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if the coroner or medical examiner has completed the course of training developed pursuant to subsection 4 of NRS 453.164.

(b) A deputy of a coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(1) The deputy has completed the course of training developed pursuant to subsection 4 of NRS 453.164; and

(2) The coroner or medical examiner who employs the deputy has submitted the certification required pursuant to subsection 2 to the Board.

2. Before the deputy of a coroner or medical examiner may be given access to the database pursuant to subsection 1, the coroner or medical examiner who employs the deputy must certify to the Board that the deputy has been approved to have such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a coroner, medical examiner or deputy thereof accesses the database of the computerized program pursuant to this section, the officer must enter a unique user name assigned to the coroner, medical examiner or

deputy thereof and, if applicable, the case number corresponding to the investigation being conducted by the coroner, medical examiner or deputy thereof.

4. A coroner, medical examiner or deputy thereof who has access to the database of the computerized program pursuant to subsection 1 may access the database only to:

(a) Investigate the death of a person; or

(b) Upload information to the database pursuant to section 1.3 of this act.

5. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a coroner, medical examiner or deputy thereof violates any provision of this section.

Sec. 2. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III ~~and~~, IV or V that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III ~~and~~, IV and V to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board

shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 and 453.164 ~~and section 1.3 and 1.6 of this act~~ if a good faith effort is made to comply with applicable laws and regulations.

3. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 2.5. NRS 453.163 is hereby amended to read as follows:

453.163 1. Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in schedule II, III ~~for~~ IV or V shall, not later than the end of the next business day after dispensing a controlled substance, upload to the database of the program established pursuant to NRS 453.162 the information described in paragraph (d) of subsection 1 of NRS 453.162. The requirements of this subsection do not apply if the controlled substance is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose administrative penalties for the failure to upload information pursuant to this subsection.

2. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to NRS 453.162, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

3. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III ~~for~~ IV or V who makes a good faith effort to comply with applicable laws and regulations when transmitting to the Board or the Division a report or information required by this section or NRS 453.162 or 453.164, or a regulation adopted pursuant thereto, is immune from civil and criminal liability relating to such action.

Sec. 3. NRS 453.164 is hereby amended to read as follows:

453.164 1. The Board shall provide Internet access to the database of the program established pursuant to NRS 453.162 to an occupational licensing

board that licenses any practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III ~~for~~, IV ~~or~~ V.

2. The Board and the Division must have access to the program established pursuant to NRS 453.162 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The Board or the Division shall report any activity it reasonably suspects may:

(a) Be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

(b) Indicate the inappropriate use by a patient of a controlled substance to the occupational licensing board of each practitioner who has prescribed the controlled substance to the patient. The occupational licensing board may access the database of the program established pursuant to NRS 453.162 to determine which practitioners are prescribing the controlled substance to the patient. The occupational licensing board may use this information for any purpose it deems necessary, including, without limitation, alerting a practitioner that a patient may be fraudulently obtaining a controlled substance or determining whether a practitioner is engaged in unlawful or unprofessional conduct. This paragraph shall not be construed to require an occupational licensing board to conduct an investigation or take any action against a practitioner upon receiving information from the Board or the Division.

4. The Board and the Division shall cooperatively develop a course of training for persons who are required or authorized to receive access to the database of the program pursuant to subsection 6 or NRS 453.165 and section 1.6 of this act and require each such person to complete the course of training before the person is provided with Internet access to the database.

5. Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III ~~for~~, IV or V shall complete the course of instruction described in subsection 4. The Board shall provide Internet access to the database to each such practitioner or other person who completes the course of instruction.

6. Each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III ~~for~~, IV or V shall, to the extent the program allows, access the database of the program established pursuant to NRS 453.162 at least once each 6 months to:

(a) Review the information concerning the practitioner that is listed in the database and notify the Board if any such information is not correct; and

(b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

7. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, 453.162 and 453.163, must not be disclosed to any person. That information must be disclosed:

(a) Upon ~~the~~ a request ~~of~~ made on a notarized form prescribed by the Board by a person about whom the information requested concerns or upon ~~the~~ such a request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

8. If the Board, the Division or a law enforcement agency determines that the database of the program has been intentionally accessed by a person or for a purpose not authorized pursuant to NRS 453.162 to 453.165, inclusive, ~~and~~ section 1.3 and 1.6 of this act, the Board, Division or law enforcement agency, as applicable, must notify any person whose information was accessed by an unauthorized person or for an unauthorized purpose.

Sec. 4. NRS 453.165 is hereby amended to read as follows:

453.165 1. Except as otherwise provided in this section, the Board shall allow a law enforcement officer to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(a) The primary responsibility of the law enforcement officer is to conduct investigations of crimes relating to prescription drugs;

(b) The law enforcement officer has been approved by his or her employer to have such access;

(c) The law enforcement officer has completed the course of training developed pursuant to subsection 4 of NRS 453.164; and

(d) The employer of the law enforcement officer has submitted the certification required pursuant to subsection 2 to the Board.

2. Before a law enforcement officer may be given access to the database pursuant to subsection 1, the employer of the officer must certify to the Board that the law enforcement officer has been approved to be given such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a law enforcement officer accesses the database of the computerized program pursuant to this section, the officer must enter a unique user name assigned to the officer and , *if applicable*, the case number corresponding to the investigation being conducted by the officer.

4. A law enforcement officer who is given access to the database of the computerized program pursuant to subsection 1 may access the database *for no other purpose than to investigate* : ~~investigate~~ :

(a) *Investigate* a crime related to prescription drugs ~~and for no other purpose~~ ; or

(b) *Upload information to the database pursuant to section ~~1.1~~ 1.3 of this act.*

5. The employer of a law enforcement officer who is provided access to the database of the computerized program pursuant to this section shall monitor the use of the database by the law enforcement officer and establish appropriate disciplinary action to take against an officer who violates the provisions of this section.

6. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a law

enforcement officer or his or her employer violates any provision of this section.

7. As used in this section, "law enforcement officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 5. NRS 453.552 is hereby amended to read as follows:

453.552 1. Any penalty imposed for violation of NRS 453.011 to 453.551, inclusive, ~~and section 1.3 and 1.6 of this act~~, is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

2. Any violation of the provisions of NRS 453.011 to 453.551, inclusive, ~~and section 1.3 and 1.6 of this act~~, where no other penalty is specifically provided, is a misdemeanor.

Sec. 5.5. NRS 639.23507 is hereby amended to read as follows:

639.23507 1. A practitioner shall, before initiating a prescription for a controlled substance listed in schedule II, III or IV ~~or an opioid that is a controlled substance listed in schedule V~~, obtain a patient utilization report regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162 if:

(a) The patient is a new patient of the practitioner; or

(b) The prescription is for more than 7 days and is part of a new course of treatment for the patient.

➡ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

2. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

3. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

4. A practitioner who violates subsection 1:

(a) Is not guilty of a misdemeanor.

(b) May be subject to professional discipline if the appropriate professional licensing board determines that the practitioner's violation was intentional.

5. As used in this section, "initiating a prescription" means originating a new prescription for a new patient of a practitioner or originating a new prescription to begin a new course of treatment for an existing patient of a

practitioner. The term does not include any act concerning an ongoing prescription that is written to continue a course of treatment for an existing patient of a practitioner.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 279 revises Senate Bill No. 59 to expand the scope of the existing prescription-monitoring program to track prescriptions for controlled substances listed in schedule V and requires a practitioner to obtain patient-utilization reports for opioids that are controlled substances listed in schedule V prior to initiating prescriptions; clarifies that the bill applies to law enforcement officers acting in their official capacity in the regular course of an investigation; requires a coroner, medical examiner or deputy thereof to upload to the prescription monitoring program information concerning the death of a person as a result of using a prescribed controlled substance, and provides a coroner or medical examiner immunity from civil or criminal liability for any act or omission relating to the transmission of information pursuant to this bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 84.

Bill read second time.

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

Amendment No. 526.

SUMMARY—Makes various changes relating to ethics in government. (BDR 23-250)

AN ACT relating to ethics in government; revising certain procedures of the Commission on Ethics and the remedial authority of the Commission; designating certain persons as public officers and employees for the purposes of the Nevada Ethics in Government Law; revising the code of ethical standards applicable to public officers and employees; revising provisions governing the disclosure of certain information and the filing of certain disclosure statements by public officers and employees; providing for the execution and filing by a public officer of a single acknowledgment of statutory ethical standards for all public offices held concurrently by the officer; revising provisions relating to the employment of former public officers and employees; and providing other matters properly relating thereto. Legislative Counsel's Digest:

~~—[Existing law permits a public officer or employee, a member of the public, a specialized or local ethics committee, or] Under the Nevada Ethics in Government Law (Ethics Law), the Commission on Ethics [itself to request or initiate an opinion from the Commission] is authorized to issue opinions interpreting the statutory ethical standards [of the Nevada Ethics in Government] established by the Ethics Law and applying those standards to a given set of facts [.] Except for a request made by the affected public officer or employee, the Executive Director of the Commission is required to conduct an investigation and make a recommendation to an investigatory panel, consisting~~

~~of two members of the Commission, about whether there is just and sufficient cause for the Commission to render an opinion in the matter. In the same section of statute, existing law sets forth rules of confidentiality for the proceedings and records of the Commission, discovery and the conduct of a hearing by the Commission. (NRS 281A.440) Sections 2 14, 21 and 1 and circumstances. (Chapter 281A of NRS) The Commission generally issues the following types of opinions: (1) advisory opinions requested by a public officer or employee who is seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct under the statutory ethical standards; (2) advisory opinions requested by a public officer or employee who is requesting relief from certain provisions of the Ethics Law that allow the Commission to grant such relief; and (3) opinions issued in response to an ethics complaint which has been filed with the Commission or initiated by the Commission on its own motion regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards. (NRS 281A.410, 281A.430, 281A.440, 281A.550)~~

~~The Ethics Law also establishes various procedures that the Commission and its staff must follow when processing, handling, investigating, reviewing, evaluating and adjudicating requests for advisory opinions and ethics complaints. (NRS 281A.440-281A.480) Most of those procedures are contained in a single section of the Nevada Revised Statutes, NRS 281A.440, which embraces numerous and extensive procedural provisions governing: (1) the filing of requests for advisory opinions and ethics complaints; (2) the initial review and evaluation of such requests and complaints; (3) the requirements for responding to such requests and complaints; and (4) the procedures and standards for conducting investigations, making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. Because NRS 281A.440 includes so many extensive procedural provisions, it has become a particularly lengthy and complex statute.~~

~~Section 30 of this bill repeals NRS 281A.440, and sections 1.3-11 and 14 of this bill generally reorganize and reenact the existing 1, lengthy section and reenact those provisions in more condensed form, and they also remove or repeal the provisions relating to the investigative panels. Sections 17, 19, 28 and 29 of this bill make conforming changes. Pursuant to section 4, the Executive Director is required to report the results of his or her investigation and make a recommendation relating to just and sufficient cause directly to the Commission. Other changes to the existing procedure include: (1) authorizing the Executive Director to recommend the disposition of a matter without a hearing, in section 4; and (2) revising provisions relating to the disclosure of the identity of the requester of an opinion whose identity is otherwise confidential but who testifies at a hearing, in section 8.~~

~~Existing law establishes provisions of NRS 281A.440, with certain modifications, to effectuate the orderly and logical arrangement of the statutes, improve readability and clarity and reduce repetitious or lengthy words or~~

phrases. For example, sections 1.3-2.7 define several terms, including "advisory opinion" and "ethics complaint," that replace repetitious or lengthy words or phrases throughout the Ethics Law and thereby improve readability and clarity.

Because proceedings concerning advisory opinions are functionally different from proceedings concerning ethics complaints, sections 3.1-3.5 contain procedures that apply only to advisory opinions. However, these procedures do not differ materially from the existing procedures that apply to advisory opinions in NRS 281A.440.

Sections 3.6-11 contain procedures that apply only to ethics complaints. Section 3.7 sets forth the requirements for properly filing an ethics complaint, and section 3.8 provides that after the ethics complaint is properly filed, the Commission must determine, based on the evidence submitted with the ethics complaint, whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. If the Commission determines that it has jurisdiction and an investigation is warranted, sections 3.9-5 provide for an investigation and review of the ethics complaint to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter.

In conducting the investigation and review, sections 3.9-5 require the Executive Director of the Commission to: (1) provide the public officer or employee an opportunity to submit a response; (2) investigate the facts and circumstances; and (3) prepare and submit a recommendation to a review panel, consisting of three members of the eight-member Commission, that must determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. If the review panel determines that there is not just and sufficient cause, section 5 requires the review panel to dismiss the matter, but the review panel may issue a confidential letter of caution or instruction to the public officer or employee as part of the dismissal.

If the review panel determines that there is just and sufficient cause but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action, sections 5 and 6 authorize the review panel to approve a deferral agreement between the Executive Director and the public officer or employee to defer further proceedings in the matter under the terms and conditions of the deferral agreement. If the public officer or employee complies with the terms and conditions of the deferral agreement, the matter must be dismissed. However, if the public officer or employee fails to comply with the terms and conditions of the deferral agreement, the deferral agreement may be vacated and further proceedings conducted in the matter before the Commission.

If the review panel does not believe that a deferral agreement is appropriate or if the public officer or employee declines to enter into such a deferral agreement, section 5 requires the review panel to refer the ethics complaint to the Commission for further proceedings in the matter. If further proceedings are conducted in the matter, section 16.6 of this bill provides that the three

members of the review panel cannot participate in the proceedings before the remaining five members of the Commission.

Sections 6.5-11 reorganize and reenact the existing provisions of NRS 281A.440 governing the procedures and standards for making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. In addition, section 8 revises the procedures for protecting the identity of requesters of ethics complaints who ask for confidential status because their complaints are akin to whistleblower complaints that allege unethical conduct within their own public agencies or because they offer sufficient facts and circumstances showing that they will face a bona fide threat of physical force or violence from filing their complaints. Under section 8, if the Executive Director intends to present the testimony of such a confidential requester during the ethics proceedings, the name of the confidential requester must be disclosed but only as a proposed witness and not as the requester of the ethics complaint.

Sections 12, 12.5 and 13 of this bill provide the Commission with additional remedial options in proceedings concerning ethics complaints which allow the Commission to utilize different types of remedies that progress in scope and severity depending upon the scope and severity of the unethical conduct. Currently, the Ethics Law grants the Commission certain remedial options ~~for the Commission~~, including civil monetary penalties, if it finds a violation of the ~~Nevada Ethics in Government Law and~~ statutory ethical standards. The Ethics Law also authorizes the Commission to resolve matters before it by stipulation, agreed settlement, consent order or default. (NRS 233B.121, 281A.135, 281A.480) Sections ~~5,~~ 12, 12.5 and 13 expand the remedies available to the Commission to include: (1) a requirement that a public officer or employee complete a period of compliance, receive additional training or issue a public apology; and (2) the issuance of a confidential letter of caution or instruction or a public admonition, reprimand or censure. ~~If the Commission believes that a public officer or employee has engaged in conduct that is appropriately addressed through additional training or other corrective action, section 6 also authorizes the Commission to defer further proceedings in the matter and enter a deferral order, pursuant to which the Commission may dismiss the matter or take other action if the public officer or employee complies with the terms of the order. Sections 22-24 and 26 of this bill make conforming changes.~~

~~Existing law]~~

The Ethics Law generally defines a person as a public officer ~~for the purposes of the Nevada Ethics in Government Law if he or she~~ if the person holds a position that: (1) involves the exercise of a public power, trust or duty; and (2) is established by the Nevada Constitution or any provision of statute, charter or ordinance. (NRS 281A.160) Certain additional persons are designated as public officers notwithstanding the fact that their positions are not so established. (NRS 281A.182) ~~Section]~~ In addition, the Ethics Law

defines a person as a public employee if the person performs public duties under the direction and control of a public officer and is paid compensation with public money. (NRS 281A.150) Sections 15.7 and 16 of this bill ~~adds to the list of persons so designated any person whose position is not otherwise excluded from the scope of the statutory definition of "public officer," whose~~ provide that certain additional persons are designated as public officers and employees solely and exclusively for the purposes of the Ethics Law if such persons enter into contracts with public agencies, are paid compensation ~~is paid~~ with public money and ~~whose duties involve the exercise of a public power, trust or duty.~~ serve in certain positions which ordinarily would be held or filled by public officers and employees. Section 16 also provides that its provisions must be interpreted and applied to ensure that a person does not evade the Ethics Law because a public agency elects to use a contractual relationship instead of an employment relationship for these types of positions which ordinarily would be held or filled by public officers and employees.

Section 18 of this bill provides that the Commission does not have jurisdiction regarding alleged discrimination or harassment for which a complaint or employment-related grievance may be filed with an appropriate agency with jurisdiction to redress such alleged discrimination or harassment. (NRS 281A.280) However, section 18 also provides that the Commission has jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the Ethics Law, irrespective of the alleged discrimination or harassment.

In performing their functions under the Ethics Law, the Commission and its presiding officers may issue subpoenas to compel the attendance of witnesses and the production of books and papers. (NRS 281A.300) Section 19 of this bill clarifies that such subpoenas may be issued during the course of any investigation under the Ethics Law to compel the participation of potential witnesses and the production of books and papers.

Section 20 of this bill revises the existing ~~code of~~ statutory ethical standards ~~[applicable to the conduct of]~~ which generally prohibit public officers and employees ~~from~~. (NRS 281A.400) ~~Except for conduct for which a complaint may be filed with the United States Equal Employment Opportunity Commission or the Nevada Equal Rights Commission, section 20 makes it a violation of the standards for a public officer or employee to use his or her position to coerce, harass, retaliate against or punish any other person or business entity for a purpose inconsistent with the proper performance of the public officer's or employee's public duties. Finally, section 20 prohibits a public officer or employee from engaging in any other conduct that is contrary to the public policies underlying the Nevada Ethics in Government Law, as those policies are expressed in statute. (NRS 281A.020)~~

~~Existing law~~ from engaging in certain unethical conduct that benefits their own private interests. (NRS 281A.400) Section 20 expands these existing prohibitions so that a public officer or employee cannot engage in certain unethical conduct when it benefits any other person to whom the public officer

or employee has a commitment in a private capacity. The Ethics Law defines such other persons to include: (1) the spouse or domestic partner of the public officer or employee, a member of his or her household or a relative within the third degree of consanguinity or affinity; (2) a person who employs the public officer or employee, his or her spouse or domestic partner or a member of his or her household; (3) a person with whom the public officer or employee has a substantial and continuing business relationship; or (4) a person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. (NRS 281A.065)

The Ethics Law permits certain public officers and employees to represent or counsel private persons before certain public agencies in which the public officers or employees do not serve and also requires certain public officers to file annual disclosure statements regarding such representation or counseling with the Commission. (NRS 281A.410) The Ethics Law also requires certain public officers and employees to disclose publicly certain personal or private interests which may create potential conflicts of interests at the time the public officers and employees consider or act upon a matter affecting those interests. (NRS 281A.420) Section 20.3 of this bill eliminates the requirement for certain public officers to file annual disclosure statements regarding representation or counseling of private persons before public agencies. Instead, section 20.5 of this bill requires certain public officers and employees to disclose publicly certain information regarding representation or counseling of private persons before public agencies at the time the public officers and employees consider or act upon a matter which is reasonably related to the nature of such representation or counseling.

The Ethics Law requires each elected and appointed public officer to execute and file with the Commission a written acknowledgment of the officer's understanding of the statutory ethical standards applicable to him or her, and the officer's obligation to become familiar with any amendments to those standards. A public officer is required to execute and file the acknowledgment for each office, including each appointive office, held by the officer. (NRS 281A.500) Section 25 of this bill provides that a public officer who executes and files the acknowledgment for one office as required by law thereby satisfies the execution and filing requirements for any other office held concurrently by him or her.

Under existing law, various public officers and employees are subject to a "cooling-off" period after the termination of their public service or employment, during which they are precluded from soliciting or accepting certain kinds of employment. A similar "cooling-off period" exists for a former public officer's or employee's representation or counseling of a private person on any issue which was under consideration by the agency in which the officer or employee served. The Commission is authorized to grant relief from the application of these provisions in specified circumstances. (NRS 281A.410, 281A.550) Section 27 of this bill: (1) clarifies that a grant of relief from the

application of the cooling-off provisions as they relate to employment does not affect the ban on representation or counseling; and (2) provides that the ban on employment extends to circumstances in which any oral or written agreement for personal services is sought, negotiated or exists ~~for or is contemplated,~~ during the cooling-off period, even if such an agreement does not or will not become effective until after the cooling-off period.

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

Section 1. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~(2)~~ 1.3 to 14, inclusive, of this act.

Sec. 1.3. "Adjudicatory hearing" means a hearing held by the Commission pursuant to section 6.5 of this act to receive evidence concerning an ethics complaint and render an opinion in the matter.

Sec. 1.5. "Advisory opinion" means an advisory opinion rendered by the Commission pursuant to sections 3.1 to 3.5, inclusive, of this act.

Sec. 2. "Deferral ~~order~~" agreement" means an ~~order~~ agreement entered ~~by the Commission~~ into between the Executive Director and the subject of an ethics complaint pursuant to section 6 of this act.

Sec. 2.2. "Ethics complaint" means a request for an opinion which is filed with the Commission or initiated by the Commission on its own motion pursuant to section 3.7 of this act regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards set forth in this chapter.

Sec. 2.5. "Request for an advisory opinion" means a request for an advisory opinion which is filed with the Commission pursuant to section 3.2 of this act by a public officer or employee who is:

1. Seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or

2. Requesting relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

Sec. 2.7. "Review panel" means a review panel appointed pursuant to NRS 281A.220.

Sec. 3. ~~If a person who requests an opinion pursuant to subsection 1 or 2 of NRS 281A.440 does not:~~

~~1. Submit all necessary information to the Commission; and~~
~~2. Declare by oath or affirmation that the person will testify truthfully;~~
~~the Commission may decline to render an opinion.~~ (Deleted by amendment.)

Sec. 3.1. The provisions of sections 3.1 to 3.5, inclusive, of this act apply to proceedings concerning a request for an advisory opinion.

Sec. 3.2. 1. A public officer or employee may file with the Commission a request for an advisory opinion to:

(a) Seek guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:

(a) Filed on a form prescribed by the Commission; and

(b) Submitted with all necessary information for the Commission to render an advisory opinion in the matter.

3. The Commission may decline to render an advisory opinion if the public officer or employee does not:

(a) Submit all necessary information for the Commission to render an advisory opinion in the matter; or

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter.

Sec. 3.3. 1. If a public officer or employee properly files a request for an advisory opinion, the Commission shall render an advisory opinion that interprets the statutory ethical standards and applies those standards to the given set of facts and circumstances. The Commission shall render the advisory opinion within 45 days after receiving the request, unless the requester waives this time limit.

2. If the advisory opinion rendered by the Commission relates to the propriety of the present or future conduct of the requester, the advisory opinion is:

(a) Binding upon the requester with regard to the future conduct of the requester; and

(b) A final decision that is subject to judicial review pursuant to NRS 233B.130.

3. If the requester seeks judicial review pursuant to NRS 233B.130, any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.

Sec. 3.4. 1. Except as otherwise provided in this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:

(a) A request for an advisory opinion;

(b) The advisory opinion rendered by the Commission in response to the request; and

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request.

2. The provisions of subsection 1 do not apply if the current or former public officer or employee who files the request for an advisory opinion:

(a) Acts in contravention of the advisory opinion, in which case the Commission may disclose the request, the advisory opinion and any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request;

(b) Authorizes the Commission, in writing, to make the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request publicly available; or

(c) Voluntarily discloses, in any manner, the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request, except to:

(1) The public body, agency or employer of the public officer or employee or the legal counsel of the public officer or employee;

(2) Any person to whom the Commission authorizes the public officer or employee to make such a disclosure; or

(3) Any person to whom the public officer or employee makes such a disclosure for the purposes of judicial review pursuant to section 3.3 of this act.

Sec. 3.5. 1. Except as otherwise provided in this section, the provisions of chapter 241 of NRS do not apply to:

(a) Any meeting or hearing held by the Commission to receive information or evidence concerning a request for an advisory opinion; and

(b) Any deliberations or actions of the Commission on such information or evidence.

2. The public officer or employee who files the request for an advisory opinion may also file a request with the Commission to hold a public meeting or hearing regarding the request for an advisory opinion.

Sec. 3.6. The provisions of sections 3.6 to 13, inclusive, of this act and NRS 281A.450, 281A.465, 281A.475 and 281A.480 apply to proceedings concerning an ethics complaint.

Sec. 3.7. 1. Except as otherwise provided in this section and NRS 281A.280, the Commission may render an opinion that interprets the statutory ethical standards and applies those standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:

(a) Filed by a specialized or local ethics committee established pursuant to NRS 281A.350.

(b) Filed by any person, except a person who is incarcerated in a correctional facility in this State or any other jurisdiction.

(c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

2. An ethics complaint filed by a person must be:

(a) Verified under oath and filed on a form prescribed by the Commission; and

(b) Submitted with sufficient evidence to support the allegations in order for the Commission to make a determination of whether it has jurisdiction in

the matter and whether an investigation is warranted in the matter pursuant to sections 3.8 and 3.9 of this act.

3. The Commission may decline to render an opinion if the person who files the ethics complaint does not submit all necessary evidence in the matter.

Sec. 3.8. 1. Based on the evidence submitted with an ethics complaint filed with the Commission pursuant to section 3.7 of this act, the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. The Commission shall make its determination within 45 days after receiving the ethics complaint, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.

2. If the Commission determines that it does not have jurisdiction in the matter, the Commission shall dismiss the matter.

3. If the Commission determines that it has jurisdiction in the matter but the evidence submitted with the ethics complaint is not sufficient to warrant an investigation in the matter, the Commission shall dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act.

4. If the Commission determines that it has jurisdiction in the matter and the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to section 3.9 of this act.

Sec. 3.9. 1. If the Commission directs the Executive Director to investigate an ethics complaint pursuant to section 3.8 of this act or if the Commission initiates an ethics complaint on its own motion pursuant to section 3.7 of this act, the Executive Director shall investigate the facts and circumstances relating to the ethics complaint to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter.

2. The Executive Director shall notify the public officer or employee who is the subject of the ethics complaint and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee in the ethics complaint. The response must be submitted within 30 days after the date on which the public officer or employee received the notice of the ethics complaint, unless the Executive Director grants an extension.

3. The purpose of the response submitted pursuant to this section is to provide the Executive Director and the review panel with any information relevant to the ethics complaint which the public officer or employee believes may assist:

(a) The Executive Director in performing his or her investigation and other functions pursuant to this section and section 4 of this act; and

(b) The review panel in performing its review and other functions pursuant to section 5 of this act.

4. The public officer or employee is not required in the response submitted pursuant to this section or in any proceedings before the review panel to

assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee, and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceedings before the review panel.

Sec. 4. 1. Except as otherwise provided in this subsection, ~~if a request for an opinion is submitted to or initiated by the Commission pursuant to subsection 2 of NRS 281A.440,~~ the Executive Director shall complete the investigation required by ~~[NRS 281A.440]~~ section 3.9 of this act and present a written recommendation to the ~~[Commission]~~ review panel within 70 days after ~~[the determination by]~~ the Commission ~~[that it has jurisdiction concerning the request]~~ directs the Executive Director to investigate the ethics complaint or after [the motion of] the Commission [initiating the request], initiates the ethics complaint on its own motion, as applicable. The public officer or employee who is the subject of the ~~[request]~~ ethics complaint may waive this time limit.

2. The recommendation must:

(a) Set forth the factual and legal basis for the recommendation;

~~(b)~~ (b) State whether the Executive Director believes that there is just and sufficient cause for the Commission to render an opinion in the matter; and

~~(c)~~ (c) If the Executive Director believes that a disposition of the matter without [a]n adjudicatory hearing is appropriate under the facts and circumstances, [include] state any suggested disposition that is consistent with the provisions of this chapter [; and

~~(e) Set forth the factual and legal basis for the recommendation.]~~, including, without limitation, whether the Executive Director believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.

Sec. 5. 1. Except as otherwise provided in this ~~[subsection, if a request for an opinion is submitted to or initiated by the Commission pursuant to subsection 2 of NRS 281A.440,]~~ section, the ~~[Commission]~~ review panel shall determine whether there is just and sufficient cause for the Commission to render an opinion in the matter within 15 days after the Executive Director ~~[has provided]~~ provides the review panel with the recommendation required by section 4 of this act . [; and shall cause a record of its proceedings to be kept.] The public officer or employee who is the subject of the ~~[request]~~ ethics complaint may waive this time limit.

2. The review panel shall cause a record of its proceedings to be kept.

3. The ~~[Commission]~~ review panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations as required by [NRS 281A.440-2.] section 3.9 of this act.

4. If the ~~[Commission]~~ review panel determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, it shall

dismiss the matter with or without prejudice and with or without issuing a letter of caution or instruction to the public officer or employee ~~[- A letter of caution is confidential, but the Commission may consider a letter of caution in deciding the appropriate action to be taken on any subsequent request for an opinion involving the public officer or employee, unless the letter is not relevant to the issues presented by the subsequent request.~~

~~3.] pursuant to section 12.5 of this act.~~

5. If the ~~{Commission}~~ review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter but reasonably believes that the conduct at issue ~~{is more}~~ may be appropriately addressed through additional training or other corrective action ~~[- it may enter]~~ under the terms and conditions of a deferral order.

~~4.] agreement, the review panel may:~~

(a) Approve a deferral agreement proposed by the Executive Director and the public officer or employee instead of referring the ethics complaint to the Commission for further proceedings in the matter; or

(b) Authorize the Executive Director and the public officer or employee to develop such a deferral agreement and may thereafter approve such a deferral agreement instead of referring the ethics complaint to the Commission for further proceedings in the matter.

6. If the review panel does not approve a deferral agreement pursuant to subsection 5 or if the public officer or employee declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

7. If the ~~{Commission}~~ review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter ~~[-]~~ and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel shall refer the ethics complaint to the Commission ~~{shall hold a hearing and render its opinion within 60 days after the date of the determination unless the public officer or employee waives this time limit or a deferral order is entered by the Commission.}~~ for further proceedings in the matter.

Sec. 5.5. The provisions of chapter 241 of NRS do not apply to:

1. Any meeting or hearing held by the review panel to receive information or evidence concerning an ethics complaint; and

2. Any deliberations or actions of the review panel on such information or evidence.

Sec. 6. 1. ~~{If a request for an opinion is submitted to or initiated by the Commission pursuant to subsection 2 of NRS 281A.440, the Commission determines that there is just and sufficient cause to render an opinion and the Commission reasonably believes that a public officer or employee has engaged in conduct that is appropriately addressed through additional training or other corrective action, the Commission}~~ In proceedings concerning an ethics complaint, the Executive Director and the public officer or employee who is

the subject of the ethics complaint may develop a deferral agreement to defer further proceedings in the matter ~~and enter a~~ under the terms and conditions of the deferral ~~order~~ agreement.

2. A deferral agreement does not become effective unless approved by the review panel pursuant to section 5 of this act. If the review panel approves a deferral agreement, the Commission shall enforce the terms and conditions of the deferral agreement.

3. A deferral ~~order is confidential and~~ agreement must:

(a) Specify the training or other corrective action to be completed by or imposed upon the public officer or employee;

(b) Specify any ~~penalty~~ other terms and conditions, consistent with the provisions of this chapter, to be imposed upon the public officer or employee; and

(c) Provide that the Commission may vacate the ~~order~~ deferral agreement and ~~proceed with a hearing~~ conduct further proceedings in the matter if the Commission finds that the public officer or employee has failed to comply with any ~~condition~~ terms and conditions of the ~~order~~.

~~3.~~ deferral agreement.

4. The imposition of training or other corrective action and the imposition of any ~~penalty described~~ other terms and conditions in a deferral ~~order~~ agreement is without prejudice to any other disposition of the matter, consistent with this chapter, that may be ordered by the Commission if it vacates the ~~order, proceeds with a hearing~~ deferral agreement and conducts further proceedings in the matter and finds that the public officer or employee has violated any provision of this chapter.

~~4.~~ 5. The Executive Director shall monitor the compliance of the public officer or employee who is the subject of a deferral ~~order~~ agreement and may require the public officer or employee to document his or her compliance with the ~~order~~ deferral agreement.

6. The Executive Director shall:

(a) Inform the Commission ~~shall give~~ of any alleged failure of the public officer or employee to comply with the deferral agreement;

(b) Give the public officer or employee written notice of any alleged failure to comply with the ~~order and shall allow~~ deferral agreement; and

(c) Allow the public officer or employee not less than 15 days to respond to such a notice.

~~5.~~ 7. Within 60 days after the date on which the public officer or employee responds or was entitled to respond to the written notice of any alleged failure to comply with the deferral agreement, the Commission shall determine whether the public officer or employee failed to comply with the deferral agreement, unless the public officer or employee waives this time limit.

8. If the Commission determines that the public officer or employee failed to comply with the deferral agreement, the Commission may take any action it deems appropriate, consistent with the terms and conditions of the deferral

agreement and the provisions of this chapter, including, without limitation, vacating the deferral agreement and conducting further proceedings in the matter.

9. If the public officer or employee who is the subject of ~~the~~ the deferral ~~order~~ agreement complies in a satisfactory manner with the ~~order~~ deferral agreement, the Commission ~~may~~ shall dismiss the ~~request for an opinion or take any other action it deems appropriate, consistent with the provisions of this chapter.~~ matter.

Sec. 6.5. 1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to section 5 of this act or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to section 6 of this act, the Commission shall hold an adjudicatory hearing and render an opinion in the matter within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.

2. If the Commission holds an adjudicatory hearing to receive evidence concerning an ethics complaint, the Commission shall:

(a) Notify the public officer or employee who is the subject of the ethics complaint of the date, time and place of the hearing;

(b) Allow the public officer or employee to be represented by legal counsel; and

(c) Allow the public officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf.

3. Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the notice of the hearing is given to the public officer or employee.

4. For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

Sec. 7. ~~Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1 of NRS 281A.440, each opinion rendered by the Commission in response to the request and any motion, determination, evidence or record of a hearing relating to the request are confidential unless the public officer or employee who requested the opinion:~~

~~1. Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, determination, evidence or record of a hearing related to the request;~~

~~2. Discloses the request for the opinion, the contents of the opinion, or any motion, determination, evidence or record of a hearing related to the request in any manner except to:~~

~~(a) The public body, agency or employer of the public officer or employee;~~

~~(b) A person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or~~

~~3. Requests the Commission to disclose the request, the contents of the opinion, or any motion, determination, evidence or record of a hearing related to the request. (Deleted by amendment.)~~

Sec. 8. 1. Except as otherwise provided in this section and section 9 of this act, all information, communications, records, documents or other ~~[material]~~ materials in the possession of the Commission ~~for its~~, the review panel or their staff that ~~is~~ are related to ~~a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2 of NRS 281A.440~~ an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:

(a) The ~~Commission~~ review panel determines ~~that~~ whether there is just and sufficient cause to render an opinion in the matter and serves written notice of its determination on the public officer or employee who is the subject of the ~~request~~ ethics complaint; or

(b) The public officer or employee who is the subject of the ~~request~~ ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other ~~[material which]~~ materials that are related to the ~~request~~ ethics complaint publicly available,

↳ whichever occurs first.

2. Except as otherwise provided in subsection 3, if a person who ~~submits a request for an opinion pursuant to paragraph (b) of subsection 2 of NRS 281A.440~~ files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ~~request~~ ethics complaint.

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. If the Commission keeps the identity of the requester confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ~~request~~ ethics complaint. If the ~~Commission~~ Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter and the public officer or employee who is the subject of the ~~request~~ ethics complaint submits a written discovery request to the Commission pursuant to section 9 of this act, the Commission shall disclose the name of the requester only as a proposed witness within a reasonable time before the adjudicatory hearing on the matter.

Sec. 9. 1. Except as otherwise provided in this section, the investigative file related to ~~the request for an opinion regarding a public officer or employee~~ an ethics complaint is confidential ~~and is not a public record pursuant to chapter 239 of NRS.~~

2. At any time after being served with written notice of the determination of the ~~Commission~~ review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the ~~request for an opinion~~ ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the ~~Commission~~ Executive Director intends to present as evidence for consideration ~~as evidence~~ by the Commission at the adjudicatory hearing or in rendering an opinion in the matter.

3. Any portion of the investigative file which the ~~Commission~~ Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter becomes a public record and must be open for inspection pursuant to ~~NRS 239.010~~ chapter 239 of NRS.

4. For the purposes of this section ~~the~~ :

(a) The investigative file includes, without limitation ~~any~~ :

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to section 3.9 of this act and submitted to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to section 4 of this act and submitted to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by ~~the Commission or its staff~~ or on behalf of the Executive Director through any form of communication during the course of ~~an~~ the investigation and any proceedings before the review panel and any records, documents or other ~~material~~ materials created or maintained during the course of ~~an~~ the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ~~request for an opinion~~ ethics complaint, including, without limitation, a transcript, regardless of whether such information, records, documents or other ~~material~~ materials are obtained pursuant to a subpoena.

(b) The investigative file does not include any deferral agreement.

Sec. 10. ~~1. Whenever the Commission holds a hearing to receive evidence concerning the propriety of the conduct of a public officer or employee, the Commission shall:~~

~~(a) Notify the public officer or employee of the date, time and place of the hearing;~~

~~(b) Allow the public officer or employee to be represented by counsel; and~~

~~(c) Allow the public officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf. Unless the public officer or employee agrees to a shorter time, the hearing must be held not less than 10 days after the notice is given.~~

~~2. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission or the Executive Director to ask any question submitted by a person who is not a party to the proceeding.~~

~~3. For good cause shown, the Commission may take testimony from a person by telephone or video conference. (Deleted by amendment.)~~

Sec. 11. The provisions of chapter 241 of NRS do not apply to:

1. Any meeting or hearing held by the Commission to receive information or evidence concerning ~~the propriety of the conduct of a public officer or employee and the~~ an ethics complaint; and

2. Any deliberations of the Commission on such information or evidence. ~~[including, without limitation, any proceedings of the Commission conducted pursuant to subsection 1 of section 5 of this act, are not subject to the provisions of chapter 241 of NRS.]~~

Sec. 12. 1. ~~[Each opinion of]~~ If the Commission ~~issued after a hearing~~ renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.

2. If ~~and to the extent that~~, in proceedings concerning an ethics complaint, the Commission determines that a violation of this chapter:

(a) Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution ~~as described in section 5 of this act.~~ or instruction to the public officer or employee pursuant to section 12.5 of this act.

(b) Has been proven, the Commission may take any action authorized by this chapter.

Sec. 12.5. 1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or employee who is the subject of the ethics complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards set forth in this chapter.

2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to chapter 239 of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 13. 1. Except as otherwise provided in this section, ~~as a condition of a deferral order or~~ in proceedings concerning an ethics complaint, the Commission, based on a finding ~~off~~ that a violation of this chapter ~~following a hearing, the Commission~~ has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other penalty provided by law ~~+~~ and in accordance with the provisions of NRS 281A.475:

(a) Require ~~for~~ the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ~~request for an opinion~~

~~(I) That arises~~ ethics complaint arising from an alleged violation of this chapter by the public officer or employee which ~~is alleged to have occurred~~ occurs during ~~that~~ the specified period ~~+~~ and

~~(II) As to~~ and for which the ~~Commission~~ review panel determines that there is just and sufficient cause ~~for the Commission to hold a hearing~~ render an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure ~~for~~ the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations ~~+~~ or conduct.

2. ~~The~~ In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

(a) Admonish a public officer or employee if ~~the Commission determines~~ it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful ~~+~~, or if such an admonishment is imposed as part of the terms and conditions of a deferral agreement. An ~~admonition~~ admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if ~~the Commission determines~~ it is determined that the public officer or employee has willfully violated any provision of this chapter ~~+~~, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the

law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

(c) Censure a public officer or employee if ~~[the Commission determines]~~ it is determined that the public officer or employee has willfully violated any provision of this chapter and there is evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law or there are no substantial mitigating factors ~~[are present]~~ pursuant to NRS 281A.475 for the willful violation, or if such a censure is imposed as part of the terms and conditions of a deferral agreement. A censure is a formal written condemnation of the conduct of the public officer or employee.

3. Any action taken by the Commission pursuant to this section is a final decision for the purposes of judicial review pursuant to NRS 233B.130. Any action taken by the review panel pursuant to this chapter, including, without limitation, any action relating to a deferral agreement, is not a final decision for the purposes of judicial review pursuant to NRS 233B.130.

Sec. 14. For the purposes of NRS 41.032, the members of the Commission and employees of the Commission shall be deemed to be exercising or performing a discretionary function or duty in taking any action ~~[related to the rendering of an opinion]~~ pursuant to the provisions of this chapter.

Sec. 15. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.035 to 281A.170, inclusive, and ~~[section 2]~~ sections 1.3 to 2.7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 15.5. NRS 281A.135 is hereby amended to read as follows:

281A.135 1. "Opinion" means an opinion rendered by the Commission in accordance with the provisions of this chapter.

2. The term includes, without limitation, the disposition of ~~[a request for an opinion]~~ an ethics complaint by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

Sec. 15.7. NRS 281A.150 is hereby amended to read as follows:

281A.150 "Public employee" means any person who ~~[performs]~~

1. Performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision ~~[1]; or~~

2. Is designated as a public employee for the purposes of this chapter pursuant to NRS 281A.182.

Sec. 16. NRS 281A.182 is hereby amended to read as follows:

281A.182 1. Any person who serves in one of the following positions is designated as a public officer solely and exclusively for the purposes of this chapter:

(a) A president of a university, state college or community college within the Nevada System of Higher Education.

(b) A superintendent of a county school district.

(c) A county manager or a city manager.

~~[(d) The holder of any other position not excluded by subsection 4 of NRS 281A.160 whose compensation is paid with public money and whose duties involve the exercise of a public power, trust or duty as defined in subsection 2 of NRS 281A.160.]~~

2. ~~[This section applies]~~ *The provisions of subsection 1 apply to such a person regardless of whether the person serves in the position:*

- (a) By appointment, contract or employment;
- (b) With or without compensation; or
- (c) On a temporary, interim or acting basis.

3. *A person who is not otherwise a public officer is designated as a public officer solely and exclusively for the purposes of this chapter if the person:*

- (a) Enters into a contract with any state or local agency;*
- (b) Is paid compensation with public money; and*
- (c) Serves in a position which involves the exercise of a public power, trust or duty and which ordinarily would be held or filled by a public officer.*

4. *A person who is not otherwise a public employee is designated as a public employee solely and exclusively for the purposes of this chapter if:*

- (a) The person enters into a contract with any state or local agency;*
- (b) The person is paid compensation with public money;*
- (c) The person serves in a position which involves the performance of public duties under the substantial and continuing direction and control of a public officer or supervisory public employee;*
- (d) The position ordinarily would be held or filled by a public employee and would require the public employee to hold a valid professional or occupational license or similar type of authorization issued by a state or local agency to perform the public duties of the position, other than a general business license or similar type of authorization;*
- (e) The position is entrusted with public duties of a substantial and continuing nature which ordinarily would require a public employee to avoid conflicts between the private interests of the public employee and those of the general public whom the public employee serves; and*
- (f) The person occupies the position on a full-time basis or its equivalent for a substantial and continuing period of time.*

5. *The provisions of subsections 3 and 4 must be interpreted and applied to ensure that a person does not evade the provisions of this chapter because a state or local agency elects to use a contractual relationship instead of an employment relationship for a position which ordinarily would be held or filled by a public officer or employee.*

6. *If, pursuant to this section, any person is designated as a public officer or employee for the purposes of this chapter, that designation:*

- (a) Does not make the person a public officer or employee for the purposes of any other law or for any other purposes; and*

(b) Must not be used, interpreted or applied in any manner to establish, suggest or prove that the person is a public officer or employee for the purposes of any other law or for any other purposes.

Sec. 16.5. NRS 281A.210 is hereby amended to read as follows:

281A.210 1. The Commission shall:

(a) At its first meeting and annually thereafter elect a Chair and Vice Chair from among its members.

(b) Meet regularly at least once in each calendar quarter, unless there are no ethics complaints or requests ~~made for an opinion~~ for advisory opinions pursuant to ~~[NRS 281A.440.]~~ this chapter, and at other times upon the call of the Chair.

2. Members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.

3. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

Sec. 16.6. NRS 281A.220 is hereby amended to read as follows:

281A.220 1. The Chair shall appoint one or more ~~(an investigatory)~~ review panels of ~~[two]~~ three members of the Commission on a rotating basis to perform the functions assigned to such review ~~[the determinations of just and sufficient cause made by the Executive Director]~~ panels pursuant to ~~[NRS 281A.440 and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in a matter.]~~ this chapter.

2. The Chair and Vice Chair of the Commission may not serve together on ~~[an investigatory]~~ a review panel.

3. ~~[The]~~ Not more than two members of ~~[an investigatory]~~ a review panel may ~~[not]~~ be members of the same political party.

4. If ~~[an investigatory]~~ a review panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the ~~[investigatory]~~ review panel shall not participate in any further proceedings of the Commission relating to that matter.

Sec. 17. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive ethics complaints and requests for advisory opinions pursuant to ~~[NRS 281A.440.]~~ this chapter.

(c) Gather information and conduct investigations regarding ethics complaints and requests for advisory opinions ~~[received by the Commission and submit]~~ pursuant to this chapter.

~~(d) Submit recommendations to the [investigatory panel appointed pursuant to NRS 281A.220-Commission]~~ review panel regarding whether there is just and sufficient cause for the Commission to render an opinion in ~~[response to a particular request]~~.

~~(d)] a matter.~~

(e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

~~[(e)]~~ (f) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

~~[(f)]~~ (g) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

- (a) The administration of the affairs of the Commission; and
- (b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 18. NRS 281A.280 is hereby amended to read as follows:

281A.280 1. ~~[The]~~ Except as otherwise provided in this [subsection,] section, the Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of this chapter by a public officer or employee or former public officer or employee in any proceeding commenced by ~~it~~.

~~(a) The filing of a request for an opinion]~~ an ethics complaint, which is filed with the Commission [it or

~~(b) The]~~ or initiated by the Commission on its own motion, ~~it~~ within 2 years after the alleged violation or reasonable discovery of the alleged violation.

2. The Commission does not have jurisdiction regarding alleged conduct by a public officer or employee or former public officer or employee for which ~~it~~ :

(a) A complaint may be filed or, if the applicable limitations period has expired, could have been filed with the United States Equal Employment Opportunity Commission or the Nevada Equal Rights Commission ~~for~~

~~2.7~~ ; or

(b) A complaint or employment-related grievance may be filed or, if the applicable limitations period has expired, could have been filed with another appropriate agency with jurisdiction to redress alleged discrimination or harassment, including, without limitation, a state or local employee-management relations board or similar state or local agency.

but any bar on the Commission's jurisdiction imposed by this subsection applies only to the extent that it pertains to the alleged discrimination or harassment, and this subsection does not deprive the Commission of jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the provisions of this chapter, irrespective of the alleged discrimination or harassment.

3. For the purposes of this section, a proceeding is commenced:

(a) On the date on which ~~[a request for an opinion]~~ an ethics complaint is filed in the proper form with the Commission in accordance with the regulations of the Commission; or

(b) If the ~~[proceeding is commenced]~~ ethics complaint is initiated by the Commission on its own motion, on the date on which the Commission serves the public officer or employee or former public officer or employee with notice of the ~~[proceeding]~~ ethics complaint in accordance with the regulations of the Commission.

Sec. 18.5. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations that are necessary and proper to carry out the provisions of this chapter, including, without limitation:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of an ethics complaint or a request for an advisory opinion with the Commission;

(c) For the withdrawal of an ethics complaint or a request for an advisory opinion by the person who filed the ethics complaint or request; and

(d) To facilitate the prompt rendition of opinions by the Commission.

2. Prescribe, by regulation, forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that explains the requirements of this chapter.

↪ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.

Sec. 19. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair and Vice Chair of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of any books and papers ~~for~~ for any hearing before the Commission.

3. Upon the request of the Executive Director, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the participation of a potential witness and the production of any books and papers during the course of any investigation.

4. Upon the request of the Executive Director or the public officer or employee who is the subject of ~~a request for an opinion,~~ an ethics complaint, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the attendance of a witness and the production of any books and papers ~~for~~ for any hearing before the Commission. A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.

~~3. 5.~~ Before issuing a subpoena to a public officer or employee who is the subject of ~~a request for an opinion,~~ an ethics complaint to compel his or her participation in any investigation, his or her attendance as a witness or his or her production of any books ~~for~~ and papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The ~~appearance~~ voluntary participation of the public officer or employee in the investigation;

(b) The voluntary attendance of the public officer or employee as a witness;

or
~~(b) (c)~~ (c) The voluntary production by the public officer or employee of any books and papers relating to the ~~request for an opinion.~~

~~4. 1.~~ ethics complaint.

6. Each written request submitted by the Executive Director pursuant to subsection ~~3. 5~~ must specify the time and place for the voluntary participation of the public officer or employee in the investigation, attendance of the public officer or employee as a witness or ~~the~~ production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the written request, the Chair or, in the Chair's absence, the Vice Chair,

may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time *limits* set forth in ~~{subsections 4, 5 and 6 of NRS 281A.440.}~~ NRS 281A.450, 281A.465, 281A.475 and 281A.480 and sections ~~{4 and 5}~~ 3.6 to 13, inclusive, of this act, ~~+~~ ~~5.7} that apply to proceedings concerning the ethics complaint.~~

8. If any witness *fails or* refuses to *participate*, attend, testify or produce any books and papers as required by the subpoena, the Chair ~~{of the Commission}~~ or, in the Chair's absence, the Vice Chair, may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of *the participation or* attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed ~~{by the Commission}~~ pursuant to this section; and

(c) The witness has failed or refused to *participate*, attend, *testify* or produce the books and papers *as* required by the subpoena, ~~{before the Commission}~~, or has *failed or* refused to answer questions propounded to the witness,

~~+~~ and asking for an order of the court compelling the witness to *participate*, attend, ~~{and}~~ testify or produce the books and papers ~~{before the Commission}~~. ~~6.7} as required by the subpoena.~~

9. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not *participated*, attended, testified or produced the books or papers ~~{before the Commission}~~ *as required by the subpoena*. A certified copy of the order must be served upon the witness.

~~7.7} 10.~~ If it appears to the court that the subpoena was regularly issued ~~{by the Commission}~~ *pursuant to this section*, the court shall enter an order that the witness ~~{appear before the Commission}~~ *comply with the subpoena*, at the time and place fixed in the order, and *participate, attend*, testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 20. NRS 281A.400 is hereby amended to read as follows:

281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity ~~for the public officer or employee or any other person to whom the public officer or employee has a commitment in a private capacity,~~ which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to *secure* ~~+~~

~~—(a) Coerce, harass, retaliate against or punish any other person or business entity for a purpose which is inconsistent with the proper performance of the officer's or employee's public duties; or~~

~~—(b) Secure~~ or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any ~~for any other person or~~ business entity ~~in which the public officer or employee has a significant pecuniary interest~~ or any person to whom the public officer or employee has a commitment in a private capacity ~~to the interests of that person.~~ As used in this subsection, ~~paragraph~~ "unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and *the public officer or employee*, any business entity in which the public officer or employee has a significant pecuniary interest ~~or any person to whom the public officer or employee has a commitment in a private capacity~~.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, *for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity*, for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee ~~or any person to whom the public officer or employee has a commitment in a private capacity~~.

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee ~~or any person to whom the public officer or employee has a commitment in a private capacity~~. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➡ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee *or any person to whom the public officer or employee has a commitment in a private capacity* through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts *for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity* through the use of the public officer's or employee's official position.

~~11. A public officer or employee shall not engage in any other conduct that is contrary to the public policy of this State as expressed in NRS 281A.020.~~

~~12. The conduct described in this section does not include any conduct for which a complaint may be filed with the United States Equal Employment Opportunity Commission or the Nevada Equal Rights Commission.~~

Sec. 20.3. NRS 281A.410 is hereby amended to read as follows:

281A.410 In addition to the requirements of the code of ethical standards and the other provisions of this chapter:

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member ~~requests~~ files a request for an advisory opinion from the Commission pursuant to [subsection 1 of NRS 281A.440;] section 3.2 of this act; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

~~15. Not later than January 15 of each year, if any State Legislator, member of a local legislative body or other public officer permitted by this section has,~~

~~within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department, he or she shall disclose for each such representation or counseling during the previous calendar year:~~

- ~~— (a) The name of the client;~~
- ~~— (b) The nature of the representation; and~~
- ~~— (c) The name of the state agency.~~

~~6. The disclosure required by subsection 5 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:~~

- ~~— (a) Delivered in person to the principal office of the Commission in Carson City;~~
- ~~— (b) Mailed to the Commission by first class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.~~
- ~~— (c) Dispatched to a third party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third party commercial carrier is complete upon timely depositing the disclosure with the third party commercial carrier.~~
- ~~— (d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.~~

~~7. The Commission shall retain a disclosure filed pursuant to this section for 6 years after the date on which the disclosure was filed.]~~

Sec. 20.5. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest; ~~or~~

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person ~~or~~; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410.

↪ without disclosing information concerning the gift or loan, the significant pecuniary interest ~~or~~, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the

private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, ~~for~~ upon the person to whom the public officer or employee has a commitment in a private capacity ~~for~~ or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's significant pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of another person.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure ~~[of the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.]~~ at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer ~~[has properly disclosed the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person]~~ makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, "public officer" and "public employee" do not include a State Legislator.

Sec. 20.7. NRS 281A.430 is hereby amended to read as follows:

281A.430 1. Except as otherwise provided in this section and NRS 218A.970 and 332.800, a public officer or employee shall not bid on or enter into a contract between an agency and any business entity in which the public officer or employee has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission

or body may, in the ordinary course of his or her business, bid on or enter into a contract with an agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with an agency, or may benefit financially or otherwise from a contract between an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. Except as otherwise provided in subsection 2, 3 or 5, a public officer or employee may bid on or enter into a contract with an agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

➡ If a public officer who is authorized to bid on or enter into a contract with an agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

5. A member of a local legislative body shall not, either individually or through any business entity in which the member has a significant pecuniary interest, sell goods or services to the local agency governed by his or her local legislative body unless:

(a) The member, or the business entity in which the member has a significant pecuniary interest, offers the sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed by his or her local legislative body;

(b) The local legislative body includes in the public notice and agenda for the meeting at which it will consider the purchase of such goods or services a clear and conspicuous statement that it is considering purchasing such goods or services from one of its members, or from a business entity in which the member has a significant pecuniary interest;

(c) At the meeting, the member discloses his or her significant pecuniary interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter pursuant to the requirements of NRS 281A.420; and

(d) The local legislative body approves the purchase of such goods or services in accordance with all other applicable provisions of law.

6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:

(a) The public officer or employee ~~[requests]~~ *files a request for an advisory opinion* from the Commission pursuant to ~~[subsection 1 of NRS 281A.440;]~~ *section 3.2 of this act;* and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each agency affected by the matter; and

(3) The provisions of this chapter.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.

Sec. 21. ~~[NRS 281A.440 is hereby amended to read as follows:~~

~~281A.440 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as a public officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:~~

~~(a) Binding upon the requester as to the requester's future conduct; and~~

~~(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.~~

~~2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:~~

~~(a) Upon request from a specialized or local ethics committee.~~

~~(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:~~

~~(1) The request on a form prescribed by the Commission; and~~

~~(2) All related evidence deemed necessary by the Executive Director and the [investigatory panel] Commission to make a determination of whether there is just and sufficient cause to render an opinion in the matter.~~

~~(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. Any meeting or hearing held by the Commission relating to such a motion and the deliberations of the Commission on the motion are not subject to the provisions of chapter 241 of NRS. The~~

~~Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.~~

~~➤ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.~~

~~3. Within 45 days after receiving a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, the Commission shall determine whether it has jurisdiction concerning the request, unless the public officer or employee who is the subject of the request waives this time limit. Any meeting or hearing held by the Commission to determine whether it has jurisdiction concerning the request and the deliberations of the Commission relating to that determination are not subject to the provisions of chapter 241 of NRS. Upon a determination by the Commission that it has jurisdiction concerning a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, or upon the motion of the Commission initiating a request for an opinion pursuant to paragraph (c) of subsection 2, as applicable, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director [and the investigatory panel] in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the [investigatory panel] Commission conducted pursuant to subsection 1 of section 5 of this act to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding conducted before the [investigatory panel].~~

~~4. The Executive Director shall complete the investigation and present a written recommendation relating to just and sufficient cause, including, without limitation, the specific evidence or reasons that support the recommendation, to the investigatory panel within 70 days after the determination by the Commission that it has jurisdiction concerning the request or after the motion of the Commission initiating the request, as applicable, unless the public officer or employee waives this time limit.~~

~~5. Within 15 days after the Executive Director has provided the written recommendation in the matter to the investigatory panel pursuant to subsection 4, the investigatory panel shall conclude the investigation and make a final determination regarding whether there is just and sufficient cause for~~

~~the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept.~~

~~6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.~~

~~7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:~~

~~—(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;~~

~~—(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto in any manner except to:~~

~~—(1) The public body, agency or employer of the public officer or employee; or~~

~~—(2) A person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or~~

~~—(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto;~~

~~8. Except as otherwise provided in subsections 9 and 10, all information, communications, records, documents or other material in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the record of the proceedings of the investigatory panel made pursuant to subsection 5, are confidential and not public records pursuant to chapter 239 of NRS until:~~

~~—(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter and serves written notice of such a determination on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2; or~~

~~—(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 authorizes the Commission in writing to make its information, communications, records, documents or other material which are related to the request publicly available;~~

~~➤ whichever occurs first.~~

~~— 9. Except as otherwise provided in this subsection, if a person who submits a request for an opinion pursuant to paragraph (b) of subsection 2 asks for the person's name to be kept confidential, the Commission:~~

~~— (a) Shall keep the person's name confidential if the person is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the request.~~

~~— (b) May keep the person's name confidential if the person offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of the person's name will subject the person or a member of the person's household to a bona fide threat of physical force or violence.~~

~~➤ If the Commission keeps the person's name confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the person's testimony to consider the propriety of the conduct of the public officer or employee who is the subject of the request. If the Commission intends to present the person's testimony for consideration as evidence in rendering an opinion in the matter, the Commission shall disclose the person's name within a reasonable time before the Commission's hearing on the matter.~~

~~— 10. Except as otherwise provided in this subsection, the investigative file related to a request for an opinion regarding a public officer or employee, as described in subsection 17, is confidential. At any time after being served with written notice of the determination of the investigatory panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.~~

~~— 11. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:~~

~~— (a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;~~

~~— (b) Allow the person to be represented by counsel; and~~

~~— (c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.~~

~~➤ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.~~

~~— 12. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This~~

~~subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.~~

~~13. If a person who requests an opinion pursuant to subsection 1 or 2 does not:~~

~~(a) Submit all necessary information to the Commission; and~~

~~(b) Declare by oath or affirmation that the person will testify truthfully;~~

~~the Commission may decline to render an opinion.~~

~~14. For good cause shown, the Commission may take testimony from a person by telephone or video conference.~~

~~15. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.~~

~~16. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.~~

~~17. For the purposes of this section, the investigative file which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information provided to or obtained by the Commission, its staff or an investigatory panel through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, including, without limitation, a transcript, regardless of whether such information, records, documents or other material are obtained by a subpoena.] Commission pursuant to subsection 1 of section 5 of this act.] (Deleted by amendment.)~~

Sec. 21.5. NRS 281A.450 is hereby amended to read as follows:

281A.450 1. If ~~[a request for an opinion is submitted to]~~ an ethics complaint is filed with or initiated by the Commission concerning a present or former state officer or employee, unless the state officer or employee retains his or her legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the ~~[request for the opinion]~~ ethics complaint if:

(a) The state officer or employee submits a written request for defense in the manner provided in NRS 41.0339; and

(b) Based on the facts and allegations known to the Attorney General, the Attorney General determines that the act or omission on which the alleged violation is based:

(1) Appears to be within the course and scope of public duty or employment of the state officer or employee; and

(2) Appears to have been performed or omitted in good faith.

2. The Attorney General shall create a written record setting forth the basis for the Attorney General's determination of whether to defend the state officer or employee pursuant to paragraph (b) of subsection 1. The written record is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.

Sec. 22. NRS 281A.465 is hereby amended to read as follows:

281A.465 In any matter in which the Commission disposes of ~~the request for an opinion~~ an ethics complaint by stipulation, agreed settlement ~~or~~ or consent order ~~or in which the review panel approves a deferral order,~~ agreement, the Commission or the review panel, as appropriate, shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 23. NRS 281A.475 is hereby amended to read as follows:

281A.475 1. ~~The Commission, in~~ determining whether a violation of this chapter is a willful violation and, if so, the ~~amount of any civil~~ penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.480 ~~or section 13 of this act,~~ or the Commission review panel, in determining whether to approve a deferral agreement regarding an alleged violation, shall consider, without limitation:

(a) The seriousness of the violation or alleged violation, including, without limitation, the nature, circumstances, extent and gravity of the violation or alleged violation;

(b) The number and history of previous warnings ~~issued to~~ , letters of caution or instruction, deferral agreements or violations or alleged violations of the provisions of this chapter ~~by~~ relating to the public officer or employee;

(c) The cost to ~~the Commission to~~ conduct the investigation and any ~~hearing~~ meetings, hearings or other proceedings relating to the violation or alleged violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation or alleged violation, any attempts to rectify the violation or alleged violation before any ethics complaint is filed and any cooperation by the public officer or employee in resolving the ethics complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation or alleged violation;

(f) The extent of any financial gain resulting from the violation or alleged violation; and

(g) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission or the review panel, as appropriate, may consider other

factors in the disposition of the matter if they bear a reasonable relationship to the ~~[Commission's]~~ determination of the severity of the violation or alleged violation.

3. In applying the factors set forth in this section, the Commission or the review panel, as appropriate, shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 24. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.475, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

- (a) Not to exceed \$5,000 for a first willful violation of this chapter;
- (b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and
- (c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, if any person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter, the Commission may, upon its own motion or upon the motion of the ~~[person about whom an opinion was requested pursuant to NRS 281A.440, impose a]~~ current or former public officer or employee who is the subject of the investigation or proceedings:

(a) Impose on the person committing such an act a civil penalty not to exceed \$5,000 ; and

(b) If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the ~~[person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.]~~ current or former public officer or employee as a result of the act.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

- (a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

↪ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The advice of the legal counsel was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to ~~any prior published opinion issued by the Commission which was publicly available on the Internet website of the Commission.~~ the provisions of this chapter as interpreted by the Commission.

6. In addition to any other penalties provided by law, ~~if a public employee~~ ~~who~~ commits a willful violation of this chapter ~~or fails to complete a period~~

~~of compliance imposed by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of~~ section 13 of this act or by the review panel as part of the terms and conditions of a deferral agreement, the public employee is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 25. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer swears or affirms the oath of office.

5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office in accordance with subsection 4, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

6. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

7. *If a public officer is serving in a public office and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.*

8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

~~{8.}~~ 9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

~~{9.}~~ 10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

~~{10.}~~ 11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.480, ~~{11.}~~ and section 13 of this act; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

~~{11.}~~ 12. As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 26. NRS 281A.510 is hereby amended to read as follows:

281A.510 1. A public officer or public employee shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a public officer or public employee to a charitable organization from which the officer or employee does not derive any financial benefit is deemed not to be accepted or received by the officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of payment for work performed outside the normal course of a person's public office or employment if the performance of that work is consistent with the applicable policies of the person's public employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse of a public officer or public employee if it is related to the spouse's profession or occupation.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the public officer or public employee in the officer's or employee's capacity as a public officer or public employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the public officer or public employee, the officer's or employee's spouse or the officer's or employee's aid for transportation and for lodging and meals while the public officer or public employee is away from the officer's or employee's residence.

(b) Compensation which would otherwise have been earned by the public officer or public employee in the normal course of the officer's or employee's public office or employment.

(c) A fee for a speech related to the officer's or employee's profession or occupation outside of the officer's or employee's public office or employment if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the public officer or public employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the officer or employee for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.

5. In addition to any other ~~penalty imposed pursuant to NRS 281A.480, or section 13 of this act,~~ penalties provided by law, a public officer or public employee who violates the provisions of this section shall forfeit the amount of the honorarium.

Sec. 27. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility, ➡ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person, ➡ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may file a request ~~that the Commission apply~~ for an advisory opinion pursuant to section 3.2 of this act concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

it may issue an advisory opinion to that effect and grant such relief. ~~[The]~~

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held

~~in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.] matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.~~

~~8. The advisory opinion [of the Commission] does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.~~

~~[7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:~~

~~— (a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, determination, evidence or record of a hearing related thereto; (b) Discloses the request for the opinion, the contents of the opinion or any motion, determination, evidence or record of a hearing related thereto in any manner except to:~~

~~— (1) The public body, agency or employer of the public officer or employee or a prospective employer of the public officer or employee; or~~

~~— (2) Any person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or~~

~~— (c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, determination, evidence or record of a hearing related thereto.~~

~~8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.]~~

9. For the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other former public officer or employee governed by this section, ~~↪~~ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists ~~for is contemplated] during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person ~~for~~, even if such an agreement does not or will not become effective until after the restricted period.~~

10. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission,

department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 28. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, ~~281A.440, 281A.550,~~ 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,

628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ~~and sections 45 to 9, inclusive, 3.3, 3.4, 8, 9 and 12.5 of this act~~, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 29. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 239C.140, 281A.350, ~~[281A.440, 281A.550,]~~ 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ~~and section~~ sections 3.5, 5.5 and 11 of this act which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 29.5. 1. Except as otherwise provided in this section, the Commission on Ethics:

(a) Shall apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that are within the jurisdiction of the Commission and are commenced on or after July 1, 2017, whether or not the conduct at issue in such proceedings occurred before July 1, 2017.

(b) May apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that were commenced before July 1, 2017, and are still within the jurisdiction of the Commission and pending before the Commission on July 1, 2017, unless the Commission determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission shall apply the procedures in effect before July 1, 2017.

2. The amendatory provisions of sections 15.7, 16, 20, 20.3, 20.5 and 27 of this act do not apply to any conduct occurring before July 1, 2017.

Sec. 30. NRS 281A.108 and ~~[281A.220]~~ 281A.440 are hereby repealed.

Sec. 31. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

281A.108 "Investigatory panel" or "panel" defined. "Investigatory panel" or "panel" means an investigatory panel appointed by the Commission pursuant to NRS 281A.220.

~~[281A.220 Investigatory panels: Appointment; members; review and final determination of just and sufficient cause; disqualification of members from participation in further proceedings in matter.~~

~~1. The Chair shall appoint one or more investigatory panels of two members of the Commission on a rotating basis to review the determinations of just and sufficient cause made by the Executive Director pursuant to NRS 281A.440 and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in a matter.~~

~~2. The Chair and Vice Chair of the Commission may not serve together on an investigatory panel.~~

~~3. The members of an investigatory panel may not be members of the same political party.~~

~~4. If an investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the investigatory panel shall not participate in any further proceedings of the Commission relating to that matter.]~~

281A.440 Rendering of opinions by Commission: Requests; determination of jurisdiction; investigations; determination of just and sufficient cause; notice and hearings; confidentiality.

1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as a public officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to the requester's future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

↪ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Within 45 days after receiving a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, the Commission shall determine whether it has jurisdiction concerning the request, unless the public officer or employee who is the subject of the request waives this time limit. Upon a determination by the Commission that it has jurisdiction concerning a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, or upon the motion of the Commission initiating a request for an opinion pursuant to paragraph (c) of subsection 2, as applicable, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director shall complete the investigation and present a written recommendation relating to just and sufficient cause, including, without limitation, the specific evidence or reasons that support the recommendation, to the investigatory panel within 70 days after the determination by the Commission that it has jurisdiction concerning the request or after the motion of the Commission initiating the request, as applicable, unless the public officer or employee waives this time limit.

5. Within 15 days after the Executive Director has provided the written recommendation in the matter to the investigatory panel pursuant to subsection 4, the investigatory panel shall conclude the investigation and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept.

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto in any manner except to:

(1) The public body, agency or employer of the public officer or employee; or

(2) A person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in subsections 9 and 10, all information, communications, records, documents or other material in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the record of the proceedings of the investigatory panel made pursuant to subsection 5, are confidential and not public records pursuant to chapter 239 of NRS until:

(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter and serves written notice of such a determination on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2; or

(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 authorizes the Commission in writing to make its information, communications, records, documents or other material which are related to the request publicly available, ➡ whichever occurs first.

9. Except as otherwise provided in this subsection, if a person who submits a request for an opinion pursuant to paragraph (b) of subsection 2 asks for the person's name to be kept confidential, the Commission:

(a) Shall keep the person's name confidential if the person is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the request.

(b) May keep the person's name confidential if the person offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of the person's name will subject the person or a member of the person's household to a bona fide threat of physical force or violence.

➡ If the Commission keeps the person's name confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the person's testimony to consider the propriety of the conduct of the public officer or employee who is the subject of the request. If the Commission intends to present the person's testimony for consideration as evidence in rendering an opinion in the matter, the Commission shall disclose the person's name within a reasonable time before the Commission's hearing on the matter.

10. Except as otherwise provided in this subsection, the investigative file related to a request for an opinion regarding a public officer or employee, as described in subsection 17, is confidential. At any time after being served with written notice of the determination of the investigatory panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.

11. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

➡ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

12. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant

to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

13. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

- (a) Submit all necessary information to the Commission; and
 - (b) Declare by oath or affirmation that the person will testify truthfully,
- ↪ the Commission may decline to render an opinion.

14. For good cause shown, the Commission may take testimony from a person by telephone or video conference.

15. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

16. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

17. For the purposes of this section, the investigative file which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information provided to or obtained by the Commission, its staff or an investigatory panel through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, including, without limitation, a transcript, regardless of whether such information, records, documents or other material are obtained by a subpoena.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 526 to Senate Bill No. 84 reorganizes a number of procedures of the Commission on Ethics and separates in chapter 281A of NRS, the handling of advisory opinions from the ethics complaint process; creates review panels that can approve deferral agreements, whereby, under these agreements, if the public officer or employee complies with the terms and conditions of such agreements, such as additional training or other corrective action, that person would not be subject to a full hearing of the Ethics Commission; gives the Commission additional remedial options depending on the scope and severity of the ethics complaint, including public reprimand or censure; gives the Commission on Ethics jurisdiction over independent contractors who serve in positions that would ordinarily be filled by public officers or employees; expands some provisions of the Code of Ethical Standards so that a public officer or employee cannot benefit privately as a result of his or her role as a public officer or employee; eliminates the annual disclosure as it relates to counseling or representing private persons before public agencies and,

instead, replaces it with a requirement to make a disclosure on the record before any action may be taken, and revises the cooling off restrictions to clarify that during the cooling off period, the public officer or employee cannot seek, negotiate or enter into any agreements that would otherwise be prohibited during that cooling off period.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 144.

Bill read second time.

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

Amendment No. 517.

SUMMARY—Revises provisions relating to elections. (BDR 24-300)

AN ACT relating to elections; authorizing, under certain circumstances, a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; authorizing an elector to register to vote on the day of certain elections at certain polling places; requiring the Secretary of State to create and maintain certain application software for use on mobile devices; ~~[establishing procedures by which a voter registration agency must, under certain circumstances, transmit certain information electronically in order to preregister or register a person to vote or to update information contained in the statewide voter registration list,]~~ providing for voter preregistration by certain persons who are at least ~~[16]~~ 17 years of age but less than 18 years of age; ~~[requiring county and city clerks to send sample ballots by electronic means under certain circumstances,]~~ requiring permanent polling places to remain open for certain hours on Sundays during early voting in certain counties; extending the period during which an elector can register to vote; extending the deadline for a covered voter to use a federal postcard application to register to vote and request a military-overseas ballot; authorizing, under certain circumstances, a covered voter to request a local elections official to resend to the covered voter a military-overseas ballot; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.207) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730)

Section 2 of this bill authorizes a county clerk to establish, with the approval of the board of county commissioners, one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. Section 3 of this bill requires: (1) each board of county commissioners to provide criteria to be used for

selecting such a polling place; and (2) that each such polling place be approved by the board of county commissioners. Section 4 of this bill requires , with limited exception, the county clerk to publicize the location of any such polling place. Section 5 of this bill requires the county clerk to prepare a roster of eligible voters for any such polling place. Section 6 of this bill sets forth the procedure for a person to vote in person at any such polling place. Sections 19, 21-23, 25, 27, 29, 66 and 67 of this bill make conforming changes. Sections 72-76 of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of a primary city or general city election. Sections 78-83 and 89 of this bill make conforming changes.

Under existing law, voter registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. Unless otherwise specified, registration for a recall or special election closes on the third Saturday before the election. (NRS 293.560, 293C.527) Sections 61.6 and 85.5 of this bill extend the period in which a person may register to vote for a primary, primary city, general or general city election to the Friday preceding the election. Sections 61.6 and 85.5 also extend the period in which a person may register to vote for recall and special elections until the fourth day before the election unless otherwise provided by specific law. Sections 26.4, 61.3, 63.5 and 82.4 of this bill make conforming changes.

Sections 6.5 and 76.5 of this bill authorize an elector to register to vote for a primary, primary city, general or general city election on the day of the election at certain polling places designated by the county or city clerk as a site for registering to vote on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote and provide proof of his or her identity and residence. Upon completion of the application, the elector is deemed registered to vote and may vote in that election only at the polling place at which he or she registered to vote. Sections 19, 21, 26.2 and 82.2 of this bill make conforming changes.

Existing law requires the Secretary of State to maintain an Internet website for public information maintained, collected or compiled by the Secretary of State that relates to elections. (NRS 293.4687) Section 7 of this bill requires the Secretary of State to create and maintain application software that is designed for use on a mobile device and which must include all information on the Internet website of the Secretary of State and allow a person to submit any information or form relating to elections that may be submitted to the Secretary of State.

~~[Existing law designates the offices of certain governmental entities, including the Department of Motor Vehicles, as voter registration agencies that are required to offer applications to register to vote to persons who apply for or receive services from the agency, to assist applicants in completing the applications and to forward the applications to the county clerk. (NRS 293.504) Sections 8-13 and 101-106 of this bill establish procedures by~~

~~which a voter registration agency must transmit certain information to the Secretary of State and the appropriate county clerk for the purpose of preregistering or registering a person to vote or updating his or her voter registration information, as applicable, unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated. The procedures must be implemented by the Department of Motor Vehicles effective January 1, 2018, and by all other voter registration agencies effective January 1, 2019. Sections 15, 16, 20, 27, 36, 37, 45, 47, 53, 54, 56, 83, 97, 99 and 100 of this bill make conforming changes to the provisions establishing the new requirements. Sections 30 and 31 of this bill require each county clerk to collect, for submission to the Secretary of State, certain information regarding persons who apply to preregister or register to vote or update their voter registration information through a voter registration agency.]~~

Section 14 of this bill authorizes certain persons who are at least ~~[16]~~ 17 years of age but less than 18 years of age to preregister to vote in this State. Sections ~~[9, 11, 13,]~~ 15, 17, 18, 20, 23-25, 27, 28, 32-36, 38-44, 47-49, ~~[52-56,]~~ 52, 53, 55, 56, 58-61, 64, 65, 68-70, 80, 84, 85, 90-92, 97, ~~[99-103, 105 and 106]~~ 99 and 100 of this bill make conforming changes.

~~[Existing law requires each county and city clerk to deliver a sample ballot to each registered voter in the applicable county or city. Existing law also authorizes each county and city clerk to establish a system to distribute a sample ballot by electronic means to each registered voter who elects to receive a sample ballot in that manner. (NRS 266.0325, 293.558, 293.565, 293C.530) Sections 62, 63, 86 and 98 of this bill change the authorization to establish a system to distribute sample ballots by electronic means to a requirement that each county and city clerk establish such a system.]~~

Existing law sets forth the hours for early voting at a permanent polling place by personal appearance at a primary, primary city, general or general city election. (NRS 293.3568, 293C.3568) Sections 26.6 and 82.6 of this bill require that a permanent polling place in a county whose population is 100,000 or more (currently Clark and Washoe Counties) must remain open for at least 4 hours on any Sunday that falls within the period for early voting.

Existing law authorizes a covered voter to register to vote or request a military-overseas ballot by using a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2). (NRS 293D.230, 293D.300) Sections 93 and 94 of this bill provide that a covered voter may use the federal postcard application to register to vote or request a military-overseas ballot if the application is received by the appropriate elections official not later than 7 days before the election.

Existing law provides that an application for a military-overseas ballot must be received by the seventh day before the election. (NRS 293D.310) Section 95 of this bill authorizes a covered voter who does not receive his or her military-overseas ballot and balloting materials for any reason, including,

without limitation, as a result of a change in the covered voter's duty station, the covered voter may request that the local elections official resend the military-overseas ballot and balloting materials. The covered voter may cast the military-overseas ballot by facsimile transmission, electronic mail or the system of approved electronic transmission established by the Secretary of State. Section 96 makes a conforming change.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. 1. A county clerk may, with the approval of the board of county commissioners, establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election. Any such polling place must be at a location selected pursuant to section 3 of this act.

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. 1. Each board of county commissioners shall provide by ordinance for the criteria to be used to select a polling place described in section 2 of this act.

2. A polling place established pursuant to section 2 of this act must:

(a) Satisfy the criteria provided by the board of county commissioners pursuant to subsection 1; and

(b) Be approved by the board of county commissioners at a public meeting.

Sec. 4. 1. ~~If the~~ Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk ~~shall publish~~ must:

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

~~2. The county clerk shall post~~

(b) Post a list of the locations established pursuant to section 2 of this act, if any, location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section.

Sec. 5. 1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every

registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and a place for the voter's signature.

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 6. 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster.
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6.5. 1. Each county clerk shall:

(a) Designate one or more polling places in the county as a site for an elector of the county to register to vote on the day of a primary election or general election. Each polling place designated pursuant to this paragraph must be approved by the board of county commissioners.

(b) Except as otherwise provided in subsection 2:

(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the county that has been designated pursuant to paragraph (a).

(2) Post a list of the locations designated pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of paragraphs (b) of subsection 1 do not apply if every polling place in the county is a polling place where an elector of the county may register to vote on the day of the primary election or general election.

3. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary election or general election at any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides.

4. To register to vote on the day of the primary election or general election, an elector must:

(a) Appear before the close of the polls at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;

(b) Complete the application to register to vote; and

(c) Provide proof of his or her identity and residence as described in subsections 5 and 6.

5. The following forms of identification may be used to identify an elector applying to vote pursuant to this section:

(a) A driver's license;

(b) An identification card issued by the Department of Motor Vehicles;

(c) A military identification card; or

(d) Any other form of identification issued by a governmental agency which contains the signatures and a physical description or picture of the elector.

6. The following documents may be used to establish the residence of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) Any form of identification set forth in subsection 5;

(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement;

(i) Any other document issued by a governmental agency; or
(j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

7. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.

8. An elector who registers to vote pursuant to this section:

(a) May vote in the primary election or general election only at the polling place at which the elector registers to vote; and

(b) If the elector applies to vote at the polling place at which he or she registers to vote, except as otherwise provided in NRS 293.283, must sign his or her name in the roster designated for electors who register to vote pursuant to this section.

Sec. 7. 1. The Secretary of State shall create and maintain application software that is designed for use on a mobile device, including, without limitation, a smartphone or tablet computer. The application software must:

(a) Include, without limitation, all information that is available on the Internet website of the Secretary of State.

(b) Allow a person to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, an application to preregister or register to vote, a request for an absent ballot and a request for a military-overseas ballot.

2. As used in this section, "military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 8. ~~1. The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 10 of this act by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person.~~

~~2. The system established pursuant to subsection 1 must:~~

~~(a) Ensure the secure electronic storage of information collected pursuant to section 10 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;~~

~~(b) Provide for the destruction of records by the Department as required by subsection 2 of section 11 of this act; and~~

~~(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 12 of this act.~~ (Deleted by amendment.)

Sec. 9. ~~{1. The Department of Motor Vehicles shall follow the procedures described in this section and sections 10 and 11 of this act if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.~~

~~—2. Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:~~

~~—(a) Of the qualifications to preregister to vote, as provided in section 14 of this act, or the qualifications to vote in this State, as provided in NRS 293.485;~~

~~—(b) That, unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable:~~

~~—(1) The person is deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person; and~~

~~—(2) The Department will transmit to the county clerk of the county in which the person resides all information required to preregister or register the person to vote pursuant to this chapter or to update the voter registration information of the person;~~

~~—(c) That:~~

~~—(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;~~

~~—(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and~~

~~—(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and~~

~~—(d) Of the provisions of subsections 2 and 3 of section 13 of this act.~~

~~3. The failure or refusal of a person to acknowledge that he or she has received the notice required by subsection 2:~~

~~—(a) Is not a declination by the person to apply to preregister or register to vote or have his or her voter registration information updated; and~~

~~—(b) Shall not be deemed to affect any duty of the Department, the Secretary of State or any county clerk:~~

~~—(1) Relating to the application of the person to preregister or register to vote; or~~

~~—(2) To update the voter registration information of the person.~~

~~4. The Secretary of State:~~

~~—(a) Shall prescribe by regulation the form of the notice required by subsection 2 and the procedure for providing such notice; and~~

~~—(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection 2.~~ (Deleted by amendment.)

Sec. 10. ~~[1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department shall collect from the person:~~

~~—(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote or preregister to vote, as applicable;~~

~~—(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;~~

~~—(c) Any personal information which the person has not already provided to the Department and which is required for the person to preregister or register to vote or to update the voter registration information of the person, including:~~

~~—(1) The first or given name and the surname of the person;~~

~~—(2) The address at which the person actually resides as set forth in NRS 203.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;~~

~~—(3) The date of birth of the person;~~

~~—(4) Except as otherwise provided in subsection 2, one of the following:~~

~~—(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department, if the person has such a driver's license or identification card; or~~

~~—(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and~~

~~—(5) The political party affiliation, if any, indicated by the person; and~~

~~—(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.~~

~~2. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.] (Deleted by amendment.)~~

Sec. 11. ~~[1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall electronically transmit to the Secretary of State and the appropriate county clerk the information and any electronic documents collected from a person pursuant to section 10 of this act:~~

~~—(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and~~

~~—(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.~~

~~2. The Department shall destroy any record containing information collected pursuant to section 10 of this act that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the Secretary of State and county clerk pursuant to subsection 1.~~

~~3. The Department shall forward the following paper documents on a weekly basis to the appropriate county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:~~

~~(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of section 10 of this act;~~

~~(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of section 10 of this act; and~~

~~(c) Any affidavit signed pursuant to subsection 2 of section 10 of this act.]~~

~~(Deleted by amendment.)~~

Sec. 12. ~~[1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:~~

~~(a) The person shall be deemed an applicant to preregister or register to vote, as applicable.~~

~~(b) Any action taken by the person pursuant to section 10 of this act shall be deemed an act of applying to preregister or register to vote, as applicable.~~

~~(c) Upon receipt of the information collected from the person and transmitted to a county clerk by the Department of Motor Vehicles, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to preregister or register to vote, as applicable.~~

~~(d) Unless the applicant is already preregistered or registered to vote, the date on which the person applies to preregister or register to vote pursuant to section 10 of this act shall be deemed the date on which the applicant preregistered or registered to vote, as applicable.~~

~~2. If the county clerk determines that an application to register to vote is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.524.~~

~~3. For each applicant who applies to preregister or register to vote pursuant to section 10 of this act:~~

~~(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to~~

~~preregister or register to vote to be used to verify the signature of the voter in the manner set forth in NRS 293.277 if:~~

~~— (1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to sections 10 and 11 of this act, respectively; and~~

~~— (2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; or~~

~~— (b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of section 10 of this act shall be deemed to be the signature on the person's application to preregister or register to vote for the purpose of making a facsimile thereof to be used to verify the signature of the voter in the manner set forth in NRS 293.277.~~

~~— 4. If an applicant is already preregistered or registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by the Department of Motor Vehicles to update the applicant's preregistration information or to correct the statewide voter registration list pursuant to NRS 293.530, if necessary. (Deleted by amendment.)~~

Sec. 13. ~~[1. A person who affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act may apply to preregister or register to vote at the Department of Motor Vehicles pursuant to NRS 293.524.~~

~~— 2. Whether a person applies to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act must not affect the provision of services or assistance to the person by the Department, and the fact of a person applying to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act or declining to do so must not be disclosed to the public.~~

~~— 3. Any information collected pursuant to sections 8 to 13, inclusive, of this act must not be used for any purpose other than voter preregistration or registration.~~

~~— 4. Except as otherwise provided in this subsection, the Secretary of State shall adopt regulations necessary to carry out the provisions of sections 8 to 13, inclusive, of this act. The Secretary of State shall not require a person to provide any documentation in order to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act that is not required by section 10 of this act or federal law, including, without limitation, documentation to prove the person's identity, citizenship or residence. (Deleted by amendment.)~~

Sec. 14. 1. Every citizen of the United States who is ~~16~~ 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the means available for a person to register to vote pursuant to this title. A person eligible to

preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as described in subsection 6 of NRS 293.517 as soon as practicable after the person is deemed to be registered to vote.

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

~~(b) Pursuant to section 10 of this act, he or she shall be deemed to have registered to vote pursuant to section 10 of this act.~~

~~(c)~~ In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the means for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2 the person is immediately issued a voter registration card and added to the statewide voter registration list and the registrar of voters' register; and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 14.5. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the record in printed or electronic form furnished to election board officers which ~~[contains a list of eligible voters and]~~ is to be used for obtaining the signature of each person applying for a ballot ~~[.]~~ and, except for a roster designated for electors who register to vote pursuant to section 6.5 or 76.5 of this act, contains a list of eligible voters.

Sec. 15. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 or subsection 7 of NRS 293.5235 ~~[.]~~ or section ~~14~~ 6.5, 14 or 76.5 of this act.

Sec. 16. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks

shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; ~~for~~

(b) *A person registers to vote pursuant to section ~~42~~ 6.5 or 76.5 of this act; or*

(c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

↪ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the

Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 17. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks

and the electors, ~~for~~ registered voters *or other persons* who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to *preregister and* register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 18. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to *preregister and* register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of a system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The

arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 19. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line to vote or register to vote before 7 p.m. at [his or her] a polling place at which he or she is entitled to vote [before 7 p.m.] or register to vote and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner ~~in~~ as provided by law.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 20. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers to vote by mail or computer ~~[to vote in this State]~~ *or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote*, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail *or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote*, and submits with an application to *preregister or register to vote*:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's

license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 21. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[Whenever]~~ Except as otherwise provide in this subsection, whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. The provisions of this subsection do not apply to a polling place established pursuant to section 2 of this act or designated pursuant to section 6.5 of this act.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. ~~[3.]~~ No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 22. NRS 293.275 is hereby amended to read as follows:

293.275 No

~~[1. Except as otherwise provided in subsection 2, no]~~ election board may perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster or rosters for the polling place.

~~[2. If a county clerk or city clerk establishes a polling place pursuant to section 2 or 72 of this act, respectively, the election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.]~~

Sec. 23. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster ~~, for~~ if the person provides an

affirmation pursuant to NRS 293.525 ~~and~~ *or if the person registered to vote on the day of the primary or general election pursuant to section 6.5 of this act,* the person is entitled to vote and must sign his or her name in the *correct* roster when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he or she registered to vote ~~and~~ *or was deemed to be registered to vote;*
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. *The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.*

Sec. 24. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster as required by NRS 293.277, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~and~~ *or was deemed to be registered to vote.*

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 25. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster, ~~and~~ *verify the signature of the voter in the manner set forth in NRS 293.277 ~~and~~ and verify that the registered voter has not already voted in the current election.*

2. If the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[]~~ or was deemed to be registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to *preregister* or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 26. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

- (a) The voter's employer or an agent of the voter's employer; or
- (b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~this or her~~ a polling place ~~[]~~ at which he or she is entitled to vote.

Sec. 26.2. NRS 293.305 is hereby amended to read as follows:

293.305 1. If at the hour of closing the polls there are any ~~[registered]~~ :

(a) Registered voters waiting to vote ~~[]~~ ; or

(b) If the polling place has been designated pursuant to section 6.5 of this act as a site for an elector of the county to register to vote on the day of the election, persons waiting to register to vote,

the doors of the polling place must be closed after all such ~~[voters]~~ persons have been admitted to the polling place. Voting must continue until those ~~[voters]~~ persons have voted.

2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed for the purpose of observing or any other legitimate purpose if there is room within the polling place and such admittance will not interfere unduly with the voting ~~[]~~ or voter registration.

Sec. 26.4. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made *in person* to vote early by a registered voter ~~[in person]~~ , including, without limitation, a registered voter who registers to vote after the beginning of the period for early voting by personal appearance, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572.

Sec. 26.6. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. ~~The~~ Except as otherwise provided in this section, the period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and federal holidays excepted.

2. ~~The~~ In a county whose population is 100,000 or more, the county clerk:

(a) Shall include any Sunday that falls within the period for early voting by personal appearance.

(b) May:

(1) Include any federal holiday that falls within the period for early voting by personal appearance.

(2) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. In a county whose population is less than 100,000, the county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

~~3. 4.~~ A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ~~4. 5.~~ In a county whose population is 100,000 or more, on any Sunday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(d) In a county whose population is less than 100,000, if the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection ~~2. 3.~~ 3, during such hours as the county clerk may establish.

Sec. 26.8. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. The provisions of ~~subsection~~ subsections 2, 3 and 4 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 27. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting.
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted in the current election .
~~[pursuant to this section.]~~

2. If the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[-] or was deemed to be registered to vote.~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election .
~~[pursuant to this section.]~~

5. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number ~~[-, a facsimile of the signature of the voter that is from the original application to register to vote]~~ and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 28. NRS 293.389 is hereby amended to read as follows:

293.389 The Secretary of State, a board of county commissioners, a county clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to ~~{subsection 7}~~ *paragraph (g) of subsection 1* of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 29. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is ~~[required]~~ *entitled* to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 30. ~~[NRS 293.4695 is hereby amended to read as follows:~~

~~293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:~~

~~(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.~~

~~(b) A report on each malfunction of any mechanical voting system, including, without limitation:~~

~~(1) Any known reason for the malfunction;~~

~~—(2) The length of time during which the mechanical voting system could not be used;~~

~~—(3) Any remedy for the malfunction which was used at the time of the malfunction; and~~

~~—(4) Any effect the malfunction had on the election process.~~

~~—(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.~~

~~—(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.~~

~~—(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.~~

~~—(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.~~

~~—(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.~~

~~—(h) The number of persons who have registered to vote in the county or who have updated their voter registration information through services provided by each voter registration agency pursuant to NRS 293.504 and the Department of Motor Vehicles pursuant to NRS 293.524 or section 10 of this act.~~

~~—(i) The number of persons who have attempted to register to vote in the county through services provided by each voter registration agency pursuant to NRS 293.504 and the Department of Motor Vehicles pursuant to NRS 293.524 or section 10 of this act and who have been determined to not be entitled to vote pursuant to this chapter.~~

~~—(j) The number of persons who submitted to a voter registration agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6).~~

~~—2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.~~

~~—3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.~~

~~—4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.~~

~~—5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.~~

~~6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State. (Deleted by amendment.)~~

Sec. 31. ~~[NRS 293.4695 is hereby amended to read as follows:~~

~~293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:~~

~~(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.~~

~~(b) A report on each malfunction of any mechanical voting system, including, without limitation:~~

~~(1) Any known reason for the malfunction;~~

~~(2) The length of time during which the mechanical voting system could not be used;~~

~~(3) Any remedy for the malfunction which was used at the time of the malfunction; and~~

~~(4) Any effect the malfunction had on the election process.~~

~~(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.~~

~~(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.~~

~~(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.~~

~~(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.~~

~~(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.~~

~~(h) The number of persons who have registered to vote in the county or who have updated their voter registration information through services provided by each voter registration agency pursuant to NRS 293.504 [and the Department of Motor Vehicles pursuant to NRS] or 293.524 or section 10 of this act.~~

~~(i) The number of persons who have attempted to register to vote in the county through services provided by each voter registration agency pursuant to NRS 293.504 [and the Department of Motor Vehicles pursuant to NRS] or 293.524 or section 10 of this act and who have been determined to not be entitled to vote pursuant to this chapter.~~

~~(j) The number of persons who submitted to a voter registration agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6).~~

~~2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.~~

~~3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.~~

~~4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.~~

~~5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.~~

~~6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State. (Deleted by amendment.)~~

Sec. 32. NRS 293.486 is hereby amended to read as follows:

293.486 1. Except as otherwise provided in subsection 2, for the purposes of *preregistering or* registering to vote, the address at which the ~~{voter}~~ person actually resides is the street address assigned to the location at which the ~~{voter}~~ person actually resides.

2. For the purposes of *preregistering or* registering to vote, if the ~~{voter}~~ person does not reside at a location that has been assigned a street address, the address at which the ~~{voter}~~ person actually resides is a description of the location at which the ~~{voter}~~ person actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.

3. The provisions of this section do not authorize a person to *preregister or* register to vote if the person is not otherwise eligible to *preregister or* register to vote ~~{-}~~, as applicable.

Sec. 33. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) ~~{Register}~~ *Preregister or* register to vote; and

(b) Vote by absent ballot,

➤ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to *preregister or* register to vote or to change the address of the person's current *preregistration or* registration ~~{-}~~, as applicable. The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

(b) File the portion of the form that contains the confidential address.

4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.

5. Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for *preregistration* or registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection,

➔ unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 34. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to *preregistration* or registration provided for in this chapter.

2. All books, documents and papers pertaining to *preregistration* or registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person *preregisters* or registers to vote must remain confidential and is not available for public inspection. Such information may

only be used by an election officer for purposes related to ~~{voter}~~ *preregistration and registration*.

Sec. 35. NRS 293.5035 is hereby amended to read as follows:

293.5035 1. The county clerk may designate any building owned or leased by the county, or any portion of such a building, as a county facility at which *persons may preregister to vote and* electors may register to vote.

2. A county facility designated pursuant to subsection 1 must be operated as an auxiliary county facility at which ~~{voter}~~ *preregistration and registration* ~~is~~ *are* carried out in addition to being carried out at the office of the county clerk.

3. If the county clerk designates a county facility pursuant to subsection 1, the county clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the *preregistration of persons and the registration of electors* in this State.

Sec. 36. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for *preregistering and registering to vote*;

(b) Except as otherwise provided in subsection 3, ~~and sections 8 to 13, inclusive, of this act,~~ distribute applications to *preregister or register to vote* which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to *preregister or register to vote* as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to *preregister or register to vote*.

3. A voter registration agency is not required to provide an application to *preregister or register to vote* pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or

submits an application for any other purpose if the person *affirmatively* declines to *preregister or* register to vote and submits to the agency a written form that meets the requirements of ~~[42]~~ 52 U.S.C. § ~~[1973gg-5(a)(6)-~~ ~~No information]~~ 20506(a)(6). Information related to the declination to *preregister or* register to vote may *not* be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.524, ~~and section 11 of this act,~~ any application to *preregister or* register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application ~~to register to vote]~~ which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to *preregister or* register to vote at recruitment offices of the United States Armed Forces.

Sec. 37. ~~[NRS 293.504 is hereby amended to read as follows:~~
~~293.504 1. The following offices shall serve as voter registration agencies:~~
~~(a) Such offices that provide public assistance as are designated by the Secretary of State;~~
~~(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;~~
~~(c) The offices of the Department of Motor Vehicles;~~
~~(d) The offices of the city and county clerks;~~
~~(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;~~
~~(f) Recruitment offices of the United States Armed Forces; and~~
~~(g) Such other offices as the Secretary of State deems appropriate.~~
~~2. Each voter registration agency shall [:~~
~~(a) Post] post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote . [;~~
~~(b) Except as otherwise provided in subsection 3 and sections 8 to 13, inclusive, of this act, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;~~
~~(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and~~
~~(d) Accept completed applications to preregister or register to vote.~~

~~3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.~~

~~4. Except as otherwise provided in this subsection and NRS 293.524, and section 11 of this act, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.~~

~~5.] 3. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.] (Deleted by amendment.)~~

Sec. 38. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall *preregister and* register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than \$5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for *preregistration or* registration all information required by the application to *preregister or* register to vote, *as applicable*, and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to *preregister or* register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to *preregister* or register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Delegate any of his or her duties to another person; or
- (b) Refuse to *preregister* or register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting ~~{a voter}~~ *another person* pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Solicit a vote for or against a particular question or candidate;
- (b) Speak to a ~~{voter}~~ *person* on the subject of marking his or her ballot for or against a particular question or candidate; or
- (c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,
 ➔ while *preregistering* or registering ~~{an elector}~~ *the person*.

11. When the county clerk receives applications to *preregister* or register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

- (a) The number of persons *preregistered* or registered; and
- (b) The political party of the persons *preregistered* or registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting ~~{a voter}~~ *another person* pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Knowingly ~~{register}~~ :
 - (1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or
 - (2) Preregister a person who does not meet the qualifications set forth in section 14 of this act; or
- (b) ~~{Register}~~ Preregister or register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting ~~{a voter}~~ *another person* pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to *preregister or* register to vote to an elector for the purpose of *preregistering or* registering to vote:

(a) If the person who assists ~~{an elector}~~ *another person* with completing the form for the application to *preregister or* register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the ~~{voter}~~ *person* upon completion of the form; and

(b) Shall not alter, deface or destroy an application to *preregister or* register to vote that has been signed by ~~{an elector}~~ *a person* except to correct information contained in the application after receiving notice from the ~~{elector}~~ *person* that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 39. NRS 293.5055 is hereby amended to read as follows:

293.5055 A county clerk or field registrar may *preregister or* register, outside the boundaries of the county, any ~~{voter}~~ *person* who is a resident of that county ~~{-}~~ *and meets the qualifications to preregister or register to vote, as applicable.*

Sec. 40. NRS 293.5057 is hereby amended to read as follows:

293.5057 A person who does not maintain a residence in this State may *preregister or* register to vote for the office of President and Vice President of the United States if the person files a sworn statement with the county clerk or field registrar of voters that the person is not *preregistered or* registered to vote in any other state and provides evidence:

1. Of his or her domicile in this State in accordance with the provisions of NRS 41.191;

2. That he or she maintains an account at a financial institution located in this State; or

3. That his or her motor vehicle is registered in this State.

Sec. 41. NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must ~~{comply}~~ :

(a) *Comply* with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 ~~{-}~~ ; and

(b) *Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.*

Sec. 42. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) ~~[A standard form]~~ *Standard forms* for applications to *preregister or* register to vote;

(b) ~~[A special form]~~ *Special forms* for *preregistration and* registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to *preregister or* register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to *preregister or* register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to *preregister or* register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 43. NRS 293.508 is hereby amended to read as follows:

293.508 The Secretary of State shall include on all forms for an application to *preregister or* register to vote prescribed by the Secretary of State the following option, printed in a separate box created by bold lines, in at least 14-point bold type:

[] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN LARGER TYPE

Sec. 44. NRS 293.509 is hereby amended to read as follows:

293.509 1. A county clerk may provide the ~~{form for the application}~~ *forms for applications* to *preregister or* register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to a candidate, major political party, minor political party or any other person submitting a request pursuant to subsection 2.

2. A candidate, major political party, minor political party or other person shall:

(a) Submit a request for forms for ~~{the application}~~ *applications* to *preregister or* register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and

(b) State the number of forms for ~~{the application}~~ *applications* to *preregister or* register to vote that the candidate, major political party, minor political party or other person is requesting.

3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he or she provided in response to the request. The county clerk shall maintain a request for multiple applications with the county clerk's records.

Sec. 45. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the ~~{Except as otherwise provided in subsection 3, each}~~ county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In ~~{Except as otherwise provided in subsection 3, in}~~ any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and

for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

~~3. [From the applications to register to vote received by the county clerk, the county clerk shall:~~

~~—(a) Segregate the applications electronically transmitted to the county clerk by the Department of Motor Vehicles pursuant to subsection 1 of section 11 of this act in a computer file according to the precinct or district in which the registered voters reside; and~~

~~—(b) Arrange the applications in each precinct or district in alphabetical order.~~

~~4.]~~ Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to section 14 of this act.

Sec. 46. ~~[NRS 293.510 is hereby amended to read as follows:~~

~~293.510 1. Except as otherwise provided in subsection 3, each county clerk shall:~~

~~—(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.~~

~~—(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.~~

~~2. Except as otherwise provided in subsection 3, in any county where a computer is used to register voters, the county clerk shall:~~

~~—(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.~~

~~—(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.~~

~~3. From the applications to register to vote received by the county clerk, the county clerk shall:~~

~~—(a) Segregate the applications electronically transmitted to the county clerk by [the Department of Motor Vehicles] a voter registration agency pursuant to subsection 1 of section 11 of this act in a computer file according to the precinct or district in which the registered voters reside; and~~

~~—(b) Arrange the applications in each precinct or district in alphabetical order.~~

~~4. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are~~

~~deemed to be applications to register to vote pursuant to section 14 of this act.~~
(Deleted by amendment.)

Sec. 47. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any *person who meets the qualifications set forth in section 14 of this act residing within the county may preregister to vote and any elector residing within the county may register to vote:*

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to *preregister or register to vote*, giving true and satisfactory answers to all questions relevant to his or her identity and right to *preregister or register to vote*, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to *preregister or register to vote* pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS ~~[-]~~ or section ~~427 6.5 or 76.5 of this act;~~

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to *preregister or register to vote* by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➤ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before *preregistering or registering* the person. If the applicant *preregisters or registers to vote* pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. ~~The [Except as otherwise provided in sections 8 to 13, inclusive, of this act, the]~~ application to *preregister or register to vote* must be signed and verified under penalty of perjury by the *person preregistering or the elector registering*.

3. Each *person or elector* who is or has been married must be *preregistered or registered* under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. ~~[An Except as otherwise provided in sections 8 to 13, inclusive, of this act, a]~~ A *person or an elector* who is *preregistered or registered* and changes his or her name must complete a new application to *preregister or register to vote* ~~[-]~~, as applicable. The *person or elector* may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to *preregister or register to vote* pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to *preregister or* register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to *preregister or* register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➔ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, ~~and sections 10 to 13, inclusive, of this act,~~ an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If a person or an elector submits an application to *preregister or* register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application ~~{to register to vote}~~ if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application ~~{to register to vote of the elector}~~ is incomplete or that, except as otherwise provided in NRS 293D.210, the *person is not eligible to preregister pursuant to section 14 of this act or the* elector is not eligible to vote pursuant to NRS 293.485 ~~{, as applicable}~~. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the *person or elector, as applicable*, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application ~~{to register to vote of the elector}~~ is complete and, except as otherwise provided in NRS 293D.210, the *person is eligible to preregister pursuant to section 14 of this act or the* elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application. ~~{to register to vote.}~~

➔ If the District Attorney advises the county clerk to process the application, ~~{to register to vote,}~~ the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6 ~~{, if applicable}~~.

Sec. 48. NRS 293.518 is hereby amended to read as follows:

293.518 1. ~~At {Except as otherwise provided in sections 9 and 10 of this act, at}~~ the time a person *preregisters or* an elector registers to vote, the

person or elector must indicate:

- (a) A political party affiliation; or
- (b) That he or she is not affiliated with a political party.

↪ ~~[-An]~~ A *person or an elector* who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If a *person or an elector* indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the *person's or elector's* political party as nonpartisan.

3. If a *person or an elector* indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the *person's or elector's* political party as indicated by the *person or elector*.

4. If a *person or an elector* indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the *person's or elector's* political party as the party indicated in the application to *preregister or register to vote* ~~[-]~~, *as applicable*.

(b) When compiling data related to *preregistration and voter registration* for the county, report the *person's or elector's* political party as "other party."

5. If a *person or an elector* does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the *person's or elector's* political party as nonpartisan; and

(b) Mail to the *person or elector* a notice setting forth that the *person has been preregistered or the elector has been registered to vote*, *as applicable*, as a nonpartisan because ~~[-the elector]~~ he or she did not make any of the indications described in subsection 1.

Sec. 49. NRS 293.520 is hereby amended to read as follows:

293.520 Except as otherwise provided in this section, the *preregistration of persons or the registration or reregistration of electors* who are unable to sign their names must be made upon personal application of those *persons or electors* at the office of the county clerk where they may be identified or in the presence of a field registrar. If such a *person or an elector* is unable to appear in person at the office of the county clerk, the county clerk shall send a field registrar or an employee of the office of the county clerk to the elector to identify the *person or elector* and *preregister the person or register or reregister the elector*, as appropriate. The *persons or electors* described in this section may use a mark or cross in place of a signature.

Sec. 50. NRS 293.523 is hereby amended to read as follows:

293.523 A naturalized citizen need not produce his or her certificate of naturalization in order to qualify to be *preregistered or registered*.

Sec. 51. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may *preregister or register to vote* by mailing an application to *preregister or register to vote* to the county clerk of the county in which the person resides or may *preregister or register to vote* by

computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote. The county clerk shall, upon request, mail an application to *preregister or* register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. *An application to preregister to vote may be used to correct information in a previous application.* An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to *preregister or* register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is *preregistered or* registered to vote ~~and~~, *as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card as required by subsection 6 of NRS 293.517; or*

(b) A notice that the *person's application to preregister to vote or the* registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is ~~registered~~ :

(1) *Preregistered to vote; or*

(2) *Registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or*

(b) A notice that *the person's application to preregister to vote or the* registrar of voters' register has been corrected to reflect any changes indicated on the application.

➡ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be *preregistered or* registered or to have corrected the information in the *application to preregister to vote or the*

registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for ~~[an application]~~ *applications to preregister or register to vote by*:

(a) Mail, which must be used to *preregister or register to vote by* mail in this State.

(b) Computer, which must be used to *preregister or register to vote* in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to *preregister or register to vote*.

10. The application to *preregister or register to vote by* mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application ~~[to register to vote]~~ to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be *preregistered or registered to vote* ~~[]~~, *as applicable*. Please retain the duplicate copy or receipt from your application to *preregister or register to vote*.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) ~~[The]~~ *If the application is to:*

(1) *Preregister to vote, the question, "Are you at least ~~[16]~~ 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least ~~[16]~~ 17 years of age and not more than 18 years of age.*

(2) *Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.*

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in :

(1) *If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).*

(2) *If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).*

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is *preregistering or registering to vote* for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not *preregister or* register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to *preregister or* register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, *preregisters or* registers to vote pursuant to this section may be assisted in completing the application to *preregister or* register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to *preregister or* register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 52. NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time ~~{before}~~ :

1. *A person who, because of illness, disability or for other good cause shown, requires assistance to complete an application to preregister to vote may request the county clerk in writing or by telephone to preregister the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to preregister the person to vote.*

2. *Before the fifth Sunday preceding an election, a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.*

Sec. 53. NRS 293.524 is hereby amended to read as follows:

293.524 1. ~~The {Except as otherwise provided in this section, the}~~ Department of Motor Vehicles shall provide an ~~{a paper}~~ application to *preregister or* register to vote to each person who applies ~~+~~

~~—(a) Applies~~ for the issuance or renewal of any type of driver's license or identification card issued by the Department ~~;~~ ~~and~~

~~—(b) Does not apply to preregister or register to vote pursuant to section 10 of this act.~~

2. The county clerk shall use the ~~{paper}~~ applications to *preregister or register to vote* which are signed and completed pursuant to subsection 1 to *preregister or register* applicants to vote or to correct information in *a person's previous application to preregister or* the registrar of voters' register. An ~~{A paper}~~ application that is not signed must not be used to *preregister or register* or correct the *preregistration or* registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an ~~{a paper}~~ application. The authorized employee shall check the ~~{paper}~~ application for completeness and verify the information required by the ~~{paper}~~ application. Each ~~{paper}~~ application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each ~~{paper}~~ application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The ~~{paper}~~ applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. ~~{The Department is not required to provide a paper application to preregister or register to vote pursuant to subsection 1 to a person who affirmatively declines to apply to preregister or register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to preregister or register to vote must not be used for any purpose other than voter registration.~~

~~—5.~~ The county clerk shall accept any ~~{paper}~~ application to ~~{register}~~ :

(a) *Preregister to vote at any time.*

(b) *Register to vote* which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the ~~{paper}~~ application not later than 5 days after that date.

~~{6.}~~ 5. Upon receipt of an ~~{a paper}~~ application, the county clerk or field registrar of voters shall determine whether the ~~{paper}~~ application is complete. If the county clerk or field registrar of voters determines that the ~~{paper}~~ application is complete, he or she shall notify the applicant and the applicant shall be deemed to be *preregistered or* registered as of the date of the submission of the ~~{paper}~~ application. If the county clerk or field registrar of voters determines that the ~~{paper}~~ application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be *preregistered or* registered as of the date of the initial submission of the ~~{paper}~~ application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the

applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete ~~{paper}~~ application is void. Any notification required by this subsection must be given by mail at the mailing address on the ~~{paper}~~ application not more than 7 working days after the determination is made concerning whether the ~~{paper}~~ application is complete.

~~{5.7.}~~ 6. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information *on a previous application to preregister or* in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of *preregistration or* voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for ~~{paper}~~ applications to *preregister or* register to vote.

~~{6.8.}~~ 7. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the *application to preregister to vote or the* registrar of voters' register ~~[. If the person is a registered voter, the]~~, *as applicable. The* county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

~~{7.9.}~~ 8. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide *a person who applies to preregister to vote or* an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or ~~{paper}~~ applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed ~~{paper}~~ applications of *preregistration or* registration from the Department to the appropriate county clerk ~~. [for inclusion in the rosters and registrar of voters' register.]~~

Sec. 54. ~~[NRS 293.524 is hereby amended to read as follows:
293.524 1. Except as otherwise provided in this section [the]:~~

~~(a) The Department of Motor Vehicles shall provide a paper application to preregister or register to vote to each person who:~~

~~[(a)] (1) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department; and~~

~~[(b)] (2) Does not apply to preregister or register to vote pursuant to section 10 of this act.~~

~~(b) Each voter registration agency other than the Department of Motor Vehicles shall provide a paper application to preregister or register to vote to each person who:~~

~~(1) Applies for or receives services or assistance from the agency; and~~

~~—(2) Does not apply to preregister or register to vote pursuant to section 12 of this act.~~

~~—2. The county clerk shall use the paper applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register applicants to vote or to correct information in a person's previous application to preregister or the registrar of voters' register. A paper application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.~~

~~—3. For the purposes of this section, each employee specifically authorized to do so [by the Director of the Department] may oversee the completion of a paper application. The authorized employee shall check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. [The Department] A voter registration agency shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.~~

~~—4. [The Department] A voter registration agency is not required to provide a paper application to preregister or register to vote pursuant to subsection 1 to a person who affirmatively declines to apply to preregister or register to vote pursuant to this section and submits to the [Department] voter registration agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to preregister or register to vote must not be used for any purpose other than voter registration.~~

~~—5. The county clerk shall accept any paper application to:~~

~~—(a) Preregister to vote at any time.~~

~~—(b) Register to vote which is obtained from [the Department of Motor Vehicles] a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the paper application not later than 5 days after that date.~~

~~—6. Upon receipt of a paper application, the county clerk or field registrar of voters shall determine whether the paper application is complete. If the county clerk or field registrar of voters determines that the paper application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the paper application. If the county clerk or field registrar of voters determines that the paper application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the paper application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete paper application is void. Any~~

~~notification required by this subsection must be given by mail at the mailing address on the paper application not more than 7 working days after the determination is made concerning whether the paper application is complete.~~

~~7. The county clerk shall use any form submitted to [the Department to correct information on a driver's license or identification card] a voter registration agency to correct information on a previous application to preregister or in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. [The Department] A voter registration agency shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for paper applications to preregister or register to vote.~~

~~8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the application to preregister to vote or the registrar of voters' register, as applicable. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.~~

~~9. The Secretary of State shall [, with the approval of the Director,] adopt regulations to:~~

~~(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;~~

~~(b) Prescribe the contents of any forms or paper applications which [the Department] a voter registration agency is required to distribute pursuant to this section; and~~

~~(c) Provide for the transfer of the completed paper applications of preregistration or registration from [the Department] a voter registration agency to the appropriate county clerk. (Deleted by amendment.)~~

Sec. 55. NRS 293.527 is hereby amended to read as follows:

293.527 When a *person moves to another county and preregisters to vote therein*, or an elector moves to another county and registers to vote therein, the county clerk of the county where the *person or* elector has moved shall send a cancellation notice to the clerk of the county in which the *person or* elector previously resided. The county clerk receiving such a notice shall cancel the *preregistration or* registration of the *person or* elector and place it in a cancelled file.

Sec. 56. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

~~{1.}~~ (a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

~~{2-}~~ (b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

~~{3-}~~ (c) A county clerk shall cancel the registration of a voter pursuant to this ~~{section}~~ subsection if:

~~{{a}}~~ (1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

~~{{b}}~~ (2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

~~{{c}}~~ (3) The voter does not respond; and

~~{{d}}~~ (4) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

~~{4-}~~ (d) For the purposes of this ~~{section}~~ subsection, the date of the notice is deemed to be 3 days after it is mailed.

~~{5-}~~ (e) The county clerk shall maintain records of:

~~{{a}}~~ (1) Any notice mailed pursuant to ~~{subsection 3}~~;

~~—{{b}}~~ paragraph (c);

(2) Any response to such notice; and

~~{{c}}~~ (3) Whether a person to whom a notice is mailed appears to vote in an election,

↪ for not less than 2 years after creation.

~~{6-}~~ (f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

~~{7-}~~ (g) If a voter fails to return the postcard mailed pursuant to ~~{subsection 3}~~ paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

~~{8-}~~ (h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to ~~{subsection 7-}~~ paragraph (g).

~~{-}~~ (i) If:

~~— (1) The name of a voter is added to the statewide voter registration list pursuant to section 12 of this act; or~~

~~— (2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to section 12 of this act;~~

~~↪ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph.]~~

2. *A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.*

Sec. 57. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

- (a) The registrant is not a citizen of the United States; or
- (b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

↪ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. *A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.*

Sec. 58. NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain ~~the~~ :

(a) *A file of the applications to preregister to vote of persons who have cancelled their preregistration; and*

(b) *A file of the applications to register to vote of electors who have cancelled their registration.*

↪ The ~~file~~ files must be kept in alphabetical order. The county clerk shall mark the applications "Cancelled," and indicate thereon the reason for cancellation.

2. *If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person's application to preregister to vote.*

3. If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

~~{2-}~~ 4. The county clerk may:

(a) Microfilm the applications to *preregister or register to vote of a person* or an elector who cancels his or her *preregistration or registration*, *as applicable*, and destroy the originals at any time.

(b) Record cancelled applications to *preregister or register to vote* by computer and destroy the originals at any time.

(c) Destroy any application to *preregister or register to vote of a person* or an elector who cancels his or her *preregistration or registration*, *as applicable*, after the expiration of 3 years after the date of cancellation.

Sec. 59. NRS 293.540 is hereby amended to read as follows:

293.540 1. *The county clerk shall cancel the preregistration of a person:*

(a) *If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.*

(b) *At the request of the person.*

(c) *If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.*

(d) *As required by NRS 293.541.*

(e) *Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.*

2. The county clerk shall cancel the registration ~~{-}~~ of a person:

~~{1-}~~ (a) If the county clerk has personal knowledge of the death of the person ~~{registered,}~~ or if an authenticated certificate of the death of ~~{any elector,}~~ the person is filed in the county clerk's office.

~~{2-}~~ (b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person ~~{registered,}~~ lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

~~{3-}~~ (c) Upon the determination that the person ~~{registered,}~~ has been convicted of a felony unless:

~~{(a)}~~ (1) If the person ~~{registered,}~~ was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

~~{(b)}~~ (2) If the person ~~{registered,}~~ was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

~~{4-}~~ (d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

~~{5.}~~ (e) Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

~~{6.}~~ (f) At the request of the person . ~~{registered.}~~

~~—7.}~~ (g) If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

~~{8.}~~ (h) As required by NRS 293.541.

~~{9.}~~ (i) Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 60. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the *preregistration of a person or the registration of a voter* if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the ~~{registration}~~ *application to preregister or register to vote* concerning the identity or residence of the *person or voter* is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The *person or voter* fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the *person or voter* by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the *person or voter*, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the *person's preregistration or the voter's registration* ~~{.}~~, *as applicable*.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 ~~{.}~~ *to a registered voter*, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

- (a) Address at which a person actually resides; or
- (b) Residence or identity of a person.

Sec. 61. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to *paragraph (b) of* subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to *paragraph (c) of* subsection ~~{3}~~ 2 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

- (a) Conviction has been overturned; or
- (b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of *paragraph (e) of* subsection ~~{5}~~ 2 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of *paragraph (f) of* subsection ~~{6}~~ 2 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 61.3. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk may cause to be published once in each of the newspapers circulated in different parts of the county or cause to be published once in a newspaper circulated in the county:

(a) An alphabetical listing of all registered voters, including the precinct of each voter:

(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. If the county clerk publishes the list of registered voters, the county clerk must do so:

(a) Not less than 2 weeks before ~~the close of registration for~~ any primary election.

(b) After each primary election and not less than 2 weeks before the ~~close of registration for the~~ ensuing general election.

3. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

4. The list of registered voters, if published, must not be printed in type smaller than six-point.

Sec. 61.6. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, and section 6.5 of this act, registration must close at 5 p.m. on the ~~third Tuesday~~ Friday preceding any primary or general election and, except as otherwise provided by specific law, at 5 p.m. on the third Saturday ~~fourth day~~ preceding any recall or special election. ~~except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.~~ Except as otherwise provided in section 6.5 of this act, after the close of registration for an election, no person may register to vote for the election.

2. ~~For~~ Except as otherwise provided in this subsection, for a primary or special election, the office of the county clerk must be open until 7 p.m. ~~during~~ on the next to last ~~2 days~~ day on which registration is open. ~~and~~ until 5 p.m. on the last day on which registration is open. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. ~~during~~ on the next to last ~~2 days~~ day before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) ~~For~~ Except as otherwise provided in this paragraph, in a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. ~~during~~ on the next to last ~~2 days~~ day on which registration is open. The office of the county clerk may close at 5 p.m. on the next to last day on which registration is open if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~[weekdays]~~ a day other than the last day on which registration is open, until 9 p.m.; ~~and~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[H];~~
and

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➤ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the ~~[third Tuesday]~~ Friday preceding any primary or general election, an elector may register to vote only:

(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or

(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 62. ~~[NRS 293.558 is hereby amended to read as follows:
293.558 1. The county or city clerk shall disclose the identification number of a registered voter to the public, including, without limitation:
(a) In response to an inquiry received by the county or city clerk; or
(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.201, 293.440, 293.557, 293C.290 or 293C.542.~~

~~2. The county or city clerk shall not disclose:
(a) The social security number or the driver's license or identification card number of a registered voter, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.~~

~~(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the~~

~~meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:~~

~~— (1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and~~

~~— (2) Distribute a sample ballot to the registered voter by electronic means if the [county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the] registered voter elects to receive a sample ballot by electronic means.~~

~~3. A registered voter may submit a written request to the county or city clerk to have his or her address and telephone number withheld from the public. Upon receipt of such a request, the county or city clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:~~

~~— (a) In response to an inquiry received by the county or city clerk; or~~

~~— (b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.~~

~~4. No information relating to a registered voter may be withheld from the public other than:~~

~~— (a) The address and telephone number of the registered voter if requested by the registered voter pursuant to this section;~~

~~— (b) An electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process;~~

~~— (c) The social security number and driver's license or identification card number of the registered voter; and~~

~~— (d) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.} (Deleted by amendment.)~~

Sec. 62.5. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~each~~ :

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place established pursuant to section 2 of this act, if any, a roster containing the registered voters eligible to vote in the county.

(c) Each polling place designated pursuant to section 6.5 of this act, if any, a roster designated for electors who register to vote on the day of the election pursuant to that section.

2. The ~~roster~~ rosters must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 63. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots

must include:

- (a) If applicable, the statement required by NRS 293.267;
- (b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;
- (c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;
- (d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and
- (e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

- (a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;
- (b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and
- (c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ~~A Each county clerk~~ may ~~shall~~ establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice

informing the voter of the location of his or her polling place ~~[-]~~ *or places*. If the location of the polling place *or places* has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE *OR PLACES*
HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~[-]~~ *or places*.

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 63.5. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the ~~Friday preceding~~ *opening of the polls for* the primary election and after the close of registration for each general election but not later than the ~~Friday preceding~~ *opening of the polls for* the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 64. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;
- (b) Serve as the single method for storing and managing the official list of registered voters in this State;
- (c) Serve as the official list of registered voters for the conduct of all elections in this State;
- (d) Contain the name and registration information of every legally registered voter in this State;
- (e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;
- (f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;
- (g) Be electronically accessible to each state and local election official in this State at all times;
- (h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and
- (i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

- (a) ~~Electronically~~ *Except for information related to the preregistration of persons to vote, electronically* enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and
- (b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § ~~[15483,]~~ 21083, to verify the accuracy of information in an application to register to vote.

6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 65. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election, petition or *preregistration* or registration of voters, whether acting himself or herself or through another person in his or her behalf, to:

(a) Use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. A person who violates a provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 66. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~the~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 67. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~the~~ one in which the person is ~~registered~~ authorized to vote, such person is guilty of a gross misdemeanor.

Sec. 68. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. ~~[A]~~ *Except as otherwise provided in this subsection, a person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130. The provisions of this subsection do not apply to a person who preregisters to vote.*

5. A field registrar or other person who provides to an elector an application to register to vote and who:

(a) Knowingly falsifies the application or knowingly causes an application to be falsified;

(b) Knowingly provides money or other compensation to another for a falsified application; or

(c) Intentionally fails to submit to the county clerk a completed application, ➔ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 69. NRS 293.805 is hereby amended to read as follows:

293.805 1. It is unlawful for a person to provide compensation for *preregistering or registering voters* that is based upon:

(a) The total number of *persons or voters* a person *preregisters or registers*; or

(b) The total number of *persons or voters* a person *preregisters or registers* in a particular political party.

2. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 70. NRS 293.810 is hereby amended to read as follows:

293.810 It is unlawful for any person to be *preregistered to vote or* registered as a voter in more than one county at one time.

Sec. 71. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 72 to ~~76~~, 76.5, inclusive, of this act.

Sec. 72. 1. A city clerk may, with the approval of the governing body of the city, establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election. Any such polling place must be at a location selected pursuant to section 73 of this act.

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 73. 1. Each governing body of a city shall provide by ordinance for the criteria to be used to select a polling place described in section 72 of this act.

2. A polling place established pursuant to section 72 of this act must:

(a) Satisfy the criteria provided by the governing body of the city pursuant to subsection 1; and

(b) Be approved by the governing body of the city at a public meeting.

Sec. 74. 1. ~~If the~~ Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 72 of this act, the city clerk ~~shall publish~~ must:

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

~~[2. The city clerk shall post]~~

(b) Post a list of the ~~locations established pursuant to section 72 of this act, if any,~~ location of each such polling place on any bulletin board used for

posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 72 of this act after the publication pursuant to this section.

Sec. 75. 1. For each polling place established pursuant to section 72 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and a place for the voter's signature.

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 76. 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 72 of this act, the election board officer shall:

(a) Determine that the person is a registered voter in the city.

(b) Instruct the voter to sign the roster.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 72 of this act may be challenged pursuant to NRS 293C.292.

Sec. 76.5. 1. Each city clerk shall:

(a) Designate one or more polling places in the city as a site for an elector of the city to register to vote on the day of a primary city election or general city election. Each polling place designated pursuant to this paragraph must be approved by the governing body of the city.

(b) Except as otherwise provided in subsection 2:

(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the city that has been designated pursuant to paragraph (a).

(2) Post a list of the locations designated pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of paragraphs (b) of subsection 1 do not apply if every polling place in the city is a polling place where an elector of the city may register to vote on the day of the primary city election or general city election.

3. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary city election or general city election at any polling place designated pursuant to subsection 1 by the city clerk of the city where the elector resides.

4. To register to vote on the day of the primary city election or general city election, an elector must:

(a) Appear before the close of the polls at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;

(b) Complete the application to register to vote; and

(c) Provide proof of his or her identity and residence as described in subsections 5 and 6.

5. The following forms of identification may be used to identify an elector applying to vote pursuant to this section:

(a) A driver's license;

(b) An identification card issued by the Department of Motor Vehicles;

(c) A military identification card; or

(d) Any other form of identification issued by a governmental agency which contains the signatures and a physical description or picture of the elector.

6. The following documents may be used to establish the residence of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) Any form of identification set forth in subsection 5;

(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement;

(i) Any other document issued by a governmental agency; or

(j) Any other official document which the city clerk, field registrar or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

7. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.

8. An elector who registers to vote pursuant to this section:

(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and

(b) If the elector applies to vote at the polling place at which he or she registers to vote, except as otherwise provided in NRS 293C.272, must sign his or her name in the roster designated for electors who register to vote pursuant to this section.

Sec. 77. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, and sections 72 to ~~76~~ 76.5, inclusive, of this act, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 78. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed. The provisions of this subsection do not apply to any polling place established pursuant to section 72 of this act or designated pursuant to section 76.5 of this act.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. ~~3.~~ No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 79. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster ~~for~~ if the person provides an affirmation pursuant to NRS 293C.525 ~~or~~ or if the person registered to vote pursuant to section 76.5 of this act, the person is entitled to vote and must sign his or her name in the roster when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote ~~or~~ or was deemed to be registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. *The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.*

Sec. 80. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[-]~~ *or was deemed to be registered to vote.*

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 81. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster, ~~[-]~~ *and* verify the signature of the voter in the manner set forth in NRS 293C.270 ~~[-]~~ *and verify that the registered voter has not already voted in the current election.*

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[-]~~ *or was deemed to be registered to vote.*

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 82. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~his or her~~ a polling place ~~[-]~~ *at which he or she is entitled to vote.*

Sec. 82.2. NRS 293C.297 is hereby amended to read as follows:

293C.297 1. If at the hour of closing the polls there are any ~~registered~~ :

(a) Registered voters waiting to vote ~~[-]~~ ; or

(b) If the polling place has been designated pursuant to section 76.5 of this act as a site for an elector of the city to register to vote on the day of the election, persons waiting to register to vote,

the doors of the polling place must be closed after all those ~~[voters]~~ persons have been admitted to the polling place. Voting must continue until those ~~[voters]~~ persons have voted.

2. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed to observe or for any other lawful purpose if there is room within the polling place and their admittance will not interfere with the voting ~~[.]~~ or voter registration.

Sec. 82.4. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made in person to vote early by a registered voter ~~in person,~~ , including, without limitation, a registered voter who registers to vote after the beginning of the period for early voting by personal appearance, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 82.6. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. ~~[The]~~ Except as otherwise provided in this section, the period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and federal holidays excepted.

2. ~~[The]~~ In a city located in a county whose population is 100,000 or more, the city clerk:

(a) Shall include any Sunday that falls within the period for early voting by personal appearance.

(b) May:

(1) Include any federal holiday that falls within the period for early voting by personal appearance.

(2) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. In a city located in a county whose population is less than 100,000 the city clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

~~[2.]~~ 4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ~~[(c)]~~ In a city in a county whose population is 100,000 or more, on any Sunday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(d) In a city in a county whose population is less than 100,000, if the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection ~~[(2)]~~ 3, during such hours as the city clerk may establish.

Sec. 82.8. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. The provisions of ~~[subsection]~~ subsections 2, 3 and 4 of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 83. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in the current election . ~~[pursuant to this section.]~~

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ or was deemed to be registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election . ~~[pursuant to this section.]~~

5. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number ~~[, a facsimile of the signature of the voter that is from the original application to register to vote]~~ and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 84. NRS 293C.389 is hereby amended to read as follows:

293C.389 The governing body of a city, a city clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to *paragraph (g) of subsection [7] 1* of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 85. NRS 293C.520 is hereby amended to read as follows:

293C.520 1. The city clerk may designate any building owned or leased by the city, or any portion of such a building, as a municipal facility at which *persons may preregister to vote or* electors may register to vote.

2. A municipal facility designated pursuant to subsection 1 must be operated as an auxiliary municipal facility at which ~~[voter]~~ *preregistration and* registration ~~[is]~~ *are* carried out in addition to being carried out at the office of the city clerk.

3. If the city clerk designates a municipal facility pursuant to subsection 1, the city clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated,

staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the *preregistration of persons and registration of electors* in this State.

Sec. 85.5. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, and section 76.5 of this act, registration must close at 5 p.m. on the ~~third Tuesday~~ Friday preceding any primary city election or general city election and , except as otherwise provided by specific law, at 5 p.m. on the ~~third Saturday~~ fourth day preceding any recall or special election. ~~Except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.~~ Except as otherwise provided in section 76.5 of this act, after the close of registration for an election, no person may register to vote for the election.

2. ~~For~~ Except as otherwise provided in this subsection, for a primary city election or special city election, the office of the city clerk must be open until 7 p.m. ~~during~~ on the next to last ~~2 days~~ day on which registration is open ~~and 5 p.m. on the last day on which registration is open.~~ In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. on the next to last day before registration closes if approved by the governing body of the city.

3. For a general city election:

(a) ~~For~~ Except as otherwise provided in this paragraph, in a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. ~~during~~ on the next to last ~~2 days~~ day on which registration is open ~~and 5 p.m. on the last day on which registration is open.~~ The office of the city clerk may close at 5 p.m. on the next to last day on which registration is open if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~weekdays~~ a day other than the last day on which registration is open, until 9 p.m.; ~~and~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~and~~ and

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➔ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the ~~[third Tuesday]~~ Friday preceding any primary city election or general city election, an elector may register to vote only:

(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or

(b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.

6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 86. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A ~~[Each]~~ city clerk may ~~[shall]~~ establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[]~~ or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES
HAS CHANGED SINCE THE LAST ELECTION**

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN

LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~or places~~ or places.

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 87. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. ~~[The] Except as otherwise provided in subsection 3, the county clerk shall use the statewide voter registration list roster prepared by the county clerk pursuant to NRS 293.510~~ to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.

3. The city clerk shall prepare for:

(a) Each polling place a roster containing the registered voters eligible to vote at the polling.

(b) Each polling place established pursuant to section 72 of this act, if any, a roster containing the registered voters eligible to vote in the city.

(c) Each polling place designated pursuant to section 76.5 of this act, if any, a roster designated for electors who register to vote on the day of the city election pursuant to that section.

4. The rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

~~4.~~ 5. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 88. NRS 293C.540 is hereby amended to read as follows:

293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall deliver to the city clerk the official ~~register~~ rosters for the city.

Sec. 89. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is ~~required~~ entitled to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 90. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 4 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, subsection 1 of NRS 293C.312, NRS 293C.317 and 293C.318.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to *preregister* or register to vote and information concerning the manner of voting for use by a person who is elderly

or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

- (a) Related to elections; and
- (b) Made available by the city clerk to the public in printed form.

Sec. 91. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ 52 U.S.C. § ~~[1973ff-2,]~~ 20303, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. *The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:*

(a) The person would have been able to preregister to vote pursuant to section 14 of this act except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 92. NRS 293D.210 is hereby amended to read as follows:

293D.210 An overseas voter is eligible to be a covered voter if:

1. Before leaving the United States, the overseas voter was eligible to vote in this State and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements;

2. Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; ~~for~~

3. ~~Was~~ Before leaving the United States, the overseas voter was preregistered to vote as described in section 14 of this act and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; or

4. The overseas voter was born outside the United States and, except for the residency requirement, otherwise satisfies the voter eligibility requirements set forth in NRS 293.485, so long as:

(a) The last place where a parent or legal guardian of the overseas voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this State; and

(b) The overseas voter is not registered to vote in any other state.

Sec. 93. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ 52 U.S.C. § ~~[1973ff(b)(2)]~~, 20301(b)(2), or the application's electronic equivalent, to apply to register to vote ~~[]~~, if the federal postcard application is received by the appropriate local elections official not later than 7 days before the election. If the federal postcard application is received less than 7 days before the election, it must be treated as an application to register to vote for subsequent elections.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ 52 U.S.C. § ~~[1973ff 2,]~~ 20303, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 94. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~{42} 53 U.S.C. § {1973ff(b)(2),}~~ 20301(b)(2), or the application's electronic equivalent, ~~{pursuant to this section.}~~ *if the federal postcard application is received by the appropriate local elections official not later than 7 days before the election.*

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot ~~{ }~~, *if the federal postcard application is received by the appropriate local elections official by the seventh day before the election.*

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~{42} 52 U.S.C. § {1973ff-2,}~~ 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 95. NRS 293D.310 is hereby amended to read as follows:

293D.310 ~~[Am]~~ *Except as otherwise provided in subsection 4 of NRS 293D.320, an application for a military-overseas ballot is timely if received by the seventh day before the election. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.*

Sec. 96. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. § 1973ff-1(g)(2), not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by:

(a) Facsimile transmission;

(b) Electronic mail delivery; or

(c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

➡ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

4. *If a covered voter does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the duty station of the covered voter, the covered voter may not later than the close of polls on election day:*

(a) *Request that the local elections official resend to the covered voter his or her military-overseas ballot and balloting materials by:*

- (1) *Facsimile transmission;*
- (2) *Electronic mail delivery; or*
- (3) *The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.*

(b) *Cast his or her military-overseas ballot by:*

- (1) *Facsimile transmission;*
- (2) *Electronic mail delivery; or*
- (3) *The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.*

Sec. 97. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.504, 293.524, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330,

442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ~~and sections 13 and 14 of this act~~, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential

information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 98. ~~[NRS 266.0325 is hereby amended to read as follows:~~
~~266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall distribute to each qualified elector by mail or electronic means, as applicable, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. A sample ballot may be distributed by electronic means to an elector [only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and] if the elector elects to receive a sample ballot by electronic means.~~
~~2. The sample ballot must:~~
~~(a) Be in the form required by NRS 266.032.~~
~~(b) Include the information required by NRS 266.032.~~
~~(c) Except as otherwise provided in subsection 3, be prepared in at least 12-point type.~~
~~(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.~~
~~(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.~~
~~(f) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:~~

NOTICE: TO RECEIVE A SAMPLE BALLOT IN

LARGE TYPE, CALL (Insert appropriate telephone number)

~~3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.~~

~~4. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.~~

~~5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.~~ (Deleted by amendment.)

Sec. 99. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

- (a) Be made upon a form furnished by the Department.
- (b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.
- (c) Be accompanied by the required fee.
- (d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.
- (e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

- (a) An original or certified copy of the required documents as prescribed by regulation; or
- (b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver's license, an applicant may, if eligible, *preregister or* register to vote pursuant to NRS 293.524 ~~for section 10 of this act.~~

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

- (a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or
- (b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 100. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, *preregister or register* to vote pursuant to NRS 293.524 ~~for section 10 of this act.~~

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 101. ~~[Section 8 of this act is hereby amended to read as follows:~~

~~— Sec. 8. 1. The Secretary of State, each county clerk and each voter registration agency other than the Department of Motor Vehicles shall cooperatively establish a system by which voter registration information that is collected pursuant to section 10 of this act by the agency from a person who, in person, applies for or receives services or assistance at an office of the agency must be transmitted electronically to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person.~~

~~— 2. The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 10 of this act by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person.~~

~~— [2.] 3. The [system] systems established pursuant to [subsection] subsections 1 and 2 must:~~

~~— (a) Ensure the secure electronic storage of information collected pursuant to section 10 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;~~

~~— (b) Provide for the destruction of records by [the Department] a voter registration agency as required by subsection 2 of section 11 of this act; and~~

~~— (c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 12 of this act.] (Deleted by amendment.)~~

Sec. 102. ~~[Section 9 of this act is hereby amended to read as follows:~~

~~Sec. 9. 1. Except as otherwise provided in subsection 2, each voter registration agency other than the Department of Motor Vehicles shall follow the procedures described in this section and sections 10 and 11 of this act if a person, in person, applies for or receives services or assistance at an office of the agency.~~

~~2. The Department of Motor Vehicles shall follow the procedures described in this section and sections 10 and 11 of this act if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.~~

~~[2.] 3. Before concluding the person's transaction with the [Department, the Department] voter registration agency, the agency shall notify each person described in subsection 1 [:] or 2, as applicable:~~

~~(a) Of the qualifications to preregister to vote, as provided in section 14 of this act or the qualifications to vote in this State, as provided in NRS 293.485;~~

~~(b) That, unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable;~~

~~(1) The person is deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person; and~~

~~(2) The [Department] agency will transmit to the county clerk of the county in which the person resides all information required to preregister or register the person to vote pursuant to this chapter or to update the voter registration information of the person;~~

~~(c) That:~~

~~(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;~~

~~(2) The person may indicate a political party affiliation on a paper or electronic form provided by the [Department;] agency; and~~

~~(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and~~

~~(d) Of the provisions of subsections 2 and 3 of section 13 of this act.~~

~~[3.] 4. The failure or refusal of a person to acknowledge that he or she has received the notice required by subsection [2:] 3:~~

~~(a) Is not a declination by the person to apply to preregister or register to vote or have his or her voter registration information updated; and~~

~~(b) Shall not be deemed to affect any duty of the [Department,] voter registration agency, the Secretary of State or any county clerk;~~

~~— (1) Relating to the application of the person to preregister or register to vote; or~~

~~— (2) To update the voter registration information of the person.~~

~~— [4.] 5. The Secretary of State:~~

~~— (a) Shall prescribe by regulation the form of the notice required by subsection [2.] 3 and the procedure for providing such notice; and~~

~~— (b) Shall not require the person to acknowledge that he or she has received the notice required by subsection [2.] 3.~~ (Deleted by amendment.)

Sec. 103. [Section 10 of this act is hereby amended to read as follows:

~~— Sec. 10. 1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, except as otherwise provided in subsection 2, if a person, in person, applies [to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department] for or receives services from a voter registration agency, the agency shall collect from the person:~~

~~— (a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote or preregister to vote, as applicable;~~

~~— (b) An electronic facsimile of the signature of the person, if the [Department] agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;~~

~~— (c) Any personal information which the person has not already provided to the [Department] agency and which is required for the person to preregister or register to vote or to update the voter registration information of the person, including:~~

~~— (1) The first or given name and the surname of the person;~~

~~— (2) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;~~

~~— (3) The date of birth of the person;~~

~~— (4) Except as otherwise provided in subsection [2.] 3, one of the following:~~

~~— (I) The number indicated on the person's current and valid driver's license or identification card issued by the Department [,] of Motor Vehicles, if the person has such a driver's license or identification card; or~~

~~— (II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department of Motor Vehicles and has a social security number; and~~

~~— (5) The political party affiliation, if any, indicated by the person; and~~

~~—(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.~~

~~—2. The Department of Motor Vehicles is only required to collect the information described in subsection 1 if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card.~~

~~—3. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.] (Deleted by amendment.)~~

Sec. 104. [Section 11 of this act is hereby amended to read as follows:

~~—Sec. 11. 1. Except as otherwise provided in this subsection, [the Department of Motor Vehicles] each voter registration agency shall electronically transmit to the Secretary of State and the appropriate county clerk the information and any electronic documents collected from a person pursuant to section 10 of this act:~~

~~—(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and~~

~~—(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.~~

~~—2. [The Department] A voter registration agency shall destroy any record containing information collected pursuant to section 10 of this act that is not otherwise collected by the [Department] agency in the normal course of business immediately after transmitting the information to the Secretary of State and county clerk pursuant to subsection 1.~~

~~—3. [The Department] A voter registration agency shall forward the following paper documents on a weekly basis to the appropriate county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:~~

~~—(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of section 10 of this act;~~

~~—(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of section 10 of this act; and~~

~~—(c) Any affidavit signed pursuant to subsection [2] 3 of section 10 of this act.] (Deleted by amendment.)~~

Sec. 105. [Section 12 of this act is hereby amended to read as follows:

~~—Sec. 12. 1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration~~

~~information updated, as applicable : [if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:]~~

~~—(a) The person shall be deemed an applicant to preregister or register to vote, as applicable.~~

~~—(b) Any action taken by the person pursuant to section 10 of this act shall be deemed an act of applying to preregister or register to vote, as applicable.~~

~~—(c) Upon receipt of the information collected from the person and transmitted to a county clerk by [the Department of Motor Vehicles,] a voter registration agency, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to preregister or register to vote, as applicable.~~

~~—(d) Unless the applicant is already preregistered or registered to vote, the date on which the person applies to preregister or register to vote pursuant to section 10 of this act shall be deemed the date on which the applicant preregistered or registered to vote, as applicable.~~

~~2. If the county clerk determines that an application to register to vote is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.524.~~

~~3. For each applicant who applies to preregister or register to vote pursuant to section 10 of this act:~~

~~—(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to preregister or register to vote to be used to verify the signature of the voter in the manner set forth in NRS 293.277 if:~~

~~—(1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to sections 10 and 11 of this act, respectively; and~~

~~—(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; or~~

~~—(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of section 10 of this act shall be deemed to be the signature on the person's application to preregister or register to vote for the purpose of making a facsimile thereof to be used to verify the signature of the voter in the manner set forth in NRS 293.277.~~

~~4. If an applicant is already preregistered or registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by [the Department of Motor Vehicles] a voter registration agency to update the applicant's preregistration information or to correct the statewide voter registration list pursuant to NRS 293.530, if necessary. (Deleted by amendment.)~~

Sec. 106. ~~[Section 13 of this act is hereby amended to read as follows:~~

~~Sec. 13. 1. A person who affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act may apply to preregister or register to vote at [the Department of Motor Vehicles] a voter registration agency pursuant to NRS 293.524.~~

~~2. Whether a person applies to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act must not affect the provision of services or assistance to the person by [the Department,] a voter registration agency, and the fact of a person applying to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act or declining to do so must not be disclosed to the public.~~

~~3. Any information collected pursuant to sections 8 to 13, inclusive, of this act must not be used for any purpose other than voter preregistration or registration.~~

~~4. Except as otherwise provided in this subsection, the Secretary of State shall adopt regulations necessary to carry out the provisions of sections 8 to 13, inclusive, of this act. The Secretary of State shall not require a person to provide any documentation in order to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 10 of this act that is not required by section 10 of this act or federal law, including, without limitation, documentation to prove the person's identity, citizenship or residence. (Deleted by amendment.)~~

Sec. 107. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 108. ~~[1.] This [section and sections 1 to 30, inclusive, 32 to 36, inclusive, 38 to 45, inclusive, 47 to 53, inclusive, 55 to 100, inclusive, and 107 of this act become] act becomes effective:~~

~~[(a)] 1.~~ Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~[(b)] 2.~~ On January 1, 2018, for all other purposes.

~~[2. Sections 31, 37, 46, 54 and 101 to 106, inclusive, of this act become effective;~~

~~—(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~—(b) On January 1, 2019, for all other purposes.]~~

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 517 to Senate Bill No. 144 removes from the bill all language relating to voter registration at the Department of Motor Vehicles, which was identical to language appearing in Initiative Petition No. 1; removes from the bill provisions that would have required counties to establish a system for distributing sample ballots electronically; changes throughout the bill the age at which a person can "preregister" to vote from 16 years of age to 17, and adds the following provisions that were included in Senate Bill No. 94 of this Legislative Session: the ability for a person to both to register and vote on the day of a primary or general election at a polling place that is specifically designated for that purpose; a requirement that the county to publish a list of sites designated for same-day registration and post the list on any bulletin board used for public notices, unless all polling places offer same-day voter registration; an extension of the period during which a person may register to vote for a primary or general election to the last day of early voting for the election, which is the Friday before the election, and an expansion of the hours of early voting in Clark and Washoe Counties to include early voting on every Sunday during the early voting period. Permanent early voting must be open for at least 4 hours between the hours of 10 a.m. and 6 p.m. on these Sundays.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 496.

SUMMARY—Revises provisions governing the welfare of pupils.
(BDR 34-674)

AN ACT relating to the welfare of pupils; expanding the scope of the Safe-to-Tell Program; requiring the appointment of a team at each public school to receive reports from the Program; providing immunity from civil liability to such a team and its members; providing for the establishment of a support center to receive reports to the Program; requiring the Director of the Office for a Safe and Respectful Learning Environment of the Department of Education to provide certain training; requiring that certain plans used by schools in responding to a crisis or emergency include procedures for responding to a suicide of certain persons; ~~requiring an agency that provides child welfare~~ authorizing a provider of mental health services to provide services to a school after a crisis, emergency or such a suicide; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office for a Safe and Respectful Learning Environment of the Department of Education to establish the Safe-to-Tell Program. The Program enables any person to report anonymously to the Program any dangerous, violent or unlawful activity which occurs or is threatened on school property, at an activity sponsored by a public school or

on a school bus. (NRS 388.1455) Sections 10 and 11 of this bill additionally allow a person to report to the Program any such activity which is conducted or threatened by a pupil who is enrolled at a public school.

Section 4 of this bill requires the appointment of a team of at least 3 members of the staff of each public school in this State to receive notice of any report submitted to the Program concerning the school. Section 4 also requires this team to include: (1) a school counselor, psychologist, social worker or similar person, if the school employs such a person on a full-time basis; and (2) a school administrator. Section 11 requires that information reported to the Program be promptly forwarded to the members of such a team, law enforcement agencies and certain other persons. Section 11 also requires the Director to provide to each member of such a team training concerning the appropriate response to such a report. Section 4.5 of this bill provides civil immunity to the team and the members of the team for any act or omission relating to the duties required pursuant to section 4 of this bill.

Existing law authorizes the Director to enter into an agreement to operate a hotline or call center to receive reports through the Program. (NRS 388.1455) Section 11 requires the Director to operate a hotline, Internet website, mobile telephone application, electronic mail address and support center or to enter into an agreement with a qualified organization to operate a hotline, Internet website, mobile telephone application, electronic mail address and support center. Section 4 requires the board of trustees of a school district or the governing body of a charter school to ensure that the telephone number of the hotline is : (1) printed on the back of each identification card provided to a pupil or member of the staff of a public school ~~for~~ ; and (2) posted in a conspicuous manner in certain locations around the school. Section 5 of this bill establishes requirements concerning the operation of the support center. Section 11 requires the Director to provide to teachers, pupils, family members and certain other persons training concerning the procedure for making a report and collaborating to prevent dangerous, violent or unlawful activity.

Existing law requires the board of trustees of a school district or the governing body of a charter school or a private school to establish a committee to develop a plan for schools in the school district or the charter school, as applicable, to use in responding to a crisis or emergency. (NRS 388.241, 388.243, 394.1685, 394.1687) Sections 14 and 27 of this bill require such a plan to also include provisions for making counseling and other services available to pupils after a crisis, emergency or suicide of a pupil, teacher or other member of the community of a school. Additionally, sections 14 and 27 require the committee, in developing such a plan, to conduct a survey of the resources, including counseling, that could be made available to assist with recovery from a crisis, emergency or suicide. Sections 13 and 26 of this bill make conforming changes.

Existing law requires the Department to develop a model plan for the management of a crisis or emergency. (NRS 388.253) Section 18 of this bill requires the model plan to include procedures for providing pupils and staff

with access to counseling and other resources after a crisis, emergency or suicide.

Existing law requires the principal of a public or private school or his or her designated representative to contact all appropriate local agencies to respond to a crisis or emergency. (NRS 388.257, 394.1687) Sections 20 and 28 of this bill: (1) require the principal or his or her representative to also contact appropriate local agencies if a pupil, teacher or other member of the school community commits suicide; and (2) ~~require~~ requires the local agencies contacted to include ~~the agency which provides child welfare services.~~ a provider of mental health services which is operated by a state or local agency. Section 31 of this bill ~~requires~~ authorizes an agency which provides child welfare services to provide counseling and other services to pupils and staff upon being contacted by the principal or his or her designated representative after a crisis, emergency or suicide.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. "Public safety agency" has the meaning ascribed to it in NRS 388.2345.

Sec. 3. "Support center" means the support center established and operated pursuant to NRS 388.1455.

Sec. 4. 1. The board of trustees of a school district or the governing body of a charter school shall:

(a) Appoint a team of at least three members of the staff of each public school, other than a charter school, that is located in the school district or of the charter school, as applicable, ~~to~~ including, without limitation, a school counselor, psychologist, social worker or a similar person, if the school employs such a person on a full-time basis, and a school administrator. The team must receive notification if the support center receives a report of any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of the school, at an activity sponsored by the school, on a school bus of the school or by a pupil enrolled at the school.

(b) Ensure that information concerning the Program, including, without limitation, the telephone number for the hotline established pursuant to NRS 388.1455 ~~is, appears~~ :

(1) Appears on the back of any identification card issued to pupils and staff at the school ~~for~~ ; and

(2) Is posted in conspicuous locations around the school, which may include, without limitation, the front office, the cafeteria or a school bus.

2. Upon receiving notification from the support center of dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of a public school, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a

public school, a member of the appropriate team appointed pursuant to paragraph (a) of subsection 1 shall ~~immediately~~ take appropriate action in accordance with the training he or she has received pursuant to NRS 388.1455 to respond to the activity or threat.

3. The team appointed pursuant to paragraph (a) of subsection 1 may:

(a) Include a person appointed by the public school pursuant to NRS 388.247 to a committee to review the plan developed for the school pursuant to NRS 388.243.

(b) Allow another person to temporarily serve on the team if a member of the team is unavailable.

Sec. 4.5. The team appointed pursuant to section 4 of this act and each member of the team are immune from civil liability for any damages resulting from an act or omission of the team or the member or another member of the team in performing the duties set forth in NRS 388.1455 and section 4 of this act.

Sec. 5. The support center must:

1. Be capable of receiving reports made using the hotline, Internet website and mobile telephone application established pursuant to NRS 388.1455 and through electronic mail;

2. Be available to receive reports and staffed with trained personnel 24 hours a day, 7 days a week, including holidays and other days when school is not in session;

3. Establish a process for handling a report if personnel at the support center are unable to determine the location of the school or the person about whom the report is made, or if the report concerns a private school or an entity other than a school;

4. Train personnel at the support center who are involved in responding to reports to follow up on each report by gathering information necessary to determine the validity of the report and the severity of any threat;

5. Use a software system that is resistant to hacking and copying of information to protect the anonymity of persons who submit reports;

6. Develop and implement a standardized procedure for tracking the outcome of reports;

7. Compile statistics to determine:

(a) The most frequent days of the week on which reports are made;

(b) The most frequent times of the day for making reports;

(c) The types of dangerous, violent or unlawful activity that are reported and the frequency of reports of each type of dangerous, violent or unlawful activity;

(d) The frequency with which reports are submitted using the hotline, Internet website, mobile telephone application and electronic mail, respectively; and

(e) The outcome of reports; ~~and~~

8. *Submit to the Director a quarterly report that contains the information compiled pursuant to subsection 7 and any other information necessary for the Director to evaluate the Program or that is requested by the Director ~~for~~; and*

9. Provide each report received to the appropriate law enforcement agency.

Sec. 6. ~~["Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.] (Deleted by amendment.)~~

Sec. 7. *"Public school" has the meaning ascribed to it in NRS 385.007.*

Sec. 8. *"Suicide" means the suicide of a pupil, teacher or other member of the community of a public school.*

Sec. 9. NRS 388.1451 is hereby amended to read as follows:

388.1451 As used in NRS 388.1451 to 388.1459, inclusive, *and sections 2 to 5, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.1452 and 388.1453 *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, ~~for~~ on a school bus of a public school *or by a pupil enrolled at a public school* is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

3. It is the intent of the Legislature in enacting NRS 388.1451 to 388.1459, inclusive, *and sections 2 to 5, inclusive, of this act*, to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, ~~for~~ on a school bus of a public school ~~for~~ *or by a pupil enrolled at a public school*.

Sec. 11. NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, ~~for~~ on a school bus of a public school ~~for~~ *or by a pupil enrolled at a public school*. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and NRS 388.1458, must not be disclosed to any person.

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies ~~{and}~~ , *the Department and other appropriate state agencies*, school administrators ~~{;}~~ *and other school employees, including, without limitation, the teams appointed pursuant to section 4 of this act;* and

(b) The identity of a person who reports information to the Program:

(1) Is not known by any person designated by the Director to operate the Program;

(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and

(3) Is not disclosed to any person.

3. On behalf of the Program, the Director ~~{may}~~ *or his or her designee shall establish and operate a hotline, Internet website, mobile telephone application and support center that meets the requirements of section 5 of this act or enter into ~~{agreements}~~ an agreement with ~~{any}~~ an organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will establish and operate such a hotline ~~{or call}~~ , Internet website, mobile telephone application, electronic mail address and support center . ~~{that will}~~ The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application and electronic mail and forward the information contained in the reports in the manner required by subsection 2.*

4. The Director shall provide training regarding ~~{the}~~ :

(a) *The Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.*

(b) *Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to section 4 of this act.*

(c) *The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and electronic mail and collaborating to prevent dangerous, violent and unlawful activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.*

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director; ~~{and}~~

(b) Provide to each public school educational materials regarding the Program, including, without limitation, *information about the telephone number , address of the Internet website, mobile telephone application,*

electronic mail address and any other methods by which a report may be made ~~[-]~~; and

(c) *On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report containing a summary of the information reported to the Director pursuant to section 5 of this act during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the Program.*

6. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 12. NRS 388.229 is hereby amended to read as follows:

388.229 As used in NRS 388.229 to 388.261, inclusive, *and sections ~~6, 7~~ and 8 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.235, inclusive, *and sections ~~6, 7~~ and 8 of this act* have the meanings ascribed to them in those sections.

Sec. 13. NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish a development committee to develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis, ~~for an~~ emergency ~~[-]~~ or suicide. The governing body of each charter school shall establish a development committee to develop a plan to be used by the charter school in responding to a crisis, ~~for an~~ emergency ~~[-]~~ or suicide.

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers; and

(h) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

- (a) A counselor of a school in the school district or of the charter school;
- (b) A psychologist of a school in the school district or of the charter school;
- (c) A licensed social worker of a school in the school district or of the charter school;
- (d) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and
- (e) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

Sec. 14. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis , ~~for an~~ emergency ~~[-]~~ or suicide. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis , ~~for an~~ emergency ~~[-]~~ or suicide. Each development committee shall, when developing the plan : ~~[-]~~ ~~consult with:~~

(a) ~~[-]~~ ~~The~~ Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) ~~[-]~~ ~~The~~ Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(c) ~~[-]~~ ~~Conduct a survey of~~ Determine which persons and organizations, [-] in the community, including, without limitation, [-] ~~the agency which provides child welfare services, [-]~~ a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school; ~~and~~

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency ~~[.]~~ ;

(d) *The names of persons and organizations ~~[.]~~ in the community, including, without limitation, ~~[the agency which provides child welfare services,]~~ a provider of mental health services which is operated by a state or local agency,* that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide; and

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in NRS 388.249 and 388.251, each public school ~~[, including, without limitation, each charter school,]~~ must comply with the plan developed for it pursuant to this section.

Sec. 15. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.261, inclusive, *and sections ~~[6,]~~ 7 and 8 of this act* at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[,]~~, and sections ~~46, 7 and 8~~ of this act.

Sec. 16. NRS 388.247 is hereby amended to read as follows:

388.247 1. The principal of each public school ~~[, including, without limitation, each charter school,]~~ shall establish a school committee to review the plan developed for the school pursuant to NRS 388.243.

2. The membership of a school committee must consist of:

(a) The principal of the school;

(b) Two licensed employees of the school;

(c) One employee of the school who is not a licensed employee and who is not responsible for the administration of the school;

(d) One school police officer of the school if the school has school police officers; and

(e) One parent or legal guardian of a pupil who is enrolled in the school.

3. The membership of a school committee may also include any other person whom the principal of the school deems appropriate, including, without limitation:

(a) A member of the board of trustees of the school district in which the school is located or a member of the governing body of the charter school;

(b) A counselor of the school;

(c) A psychologist of the school;

(d) A licensed social worker of the school;

(e) A representative of a local law enforcement agency in the county, city or town in which the school is located; and

(f) A pupil in grade 10 or higher from the school if the school includes grade 10 or higher.

4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee. Each school committee may adopt rules for its own management and government.

Sec. 17. NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed for the school pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan, consult with:

(a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to NRS 388.251.

4. Each public school ~~including, without limitation, each charter school,~~ shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 18. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of ~~a~~ :

(a) A suicide; or

(b) A crisis or ~~an~~ emergency that involves a public school ~~including, without limitation, a charter school,~~ or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) *In response to a crisis or emergency:*

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

~~(b)~~ (2) Accounting for all persons within a school;

~~(c)~~ (3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

~~[(d)]~~ (4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

~~[(e)]~~ (5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

~~[(f)]~~ (6) Reunifying a pupil with his or her parent or legal guardian;

~~[(g)]~~ (7) Providing any necessary medical assistance;

~~[(h)]~~ (8) Recovering from a crisis or ~~[an]~~ emergency;

~~[(i)]~~ (9) Carrying out a lockdown at a school in which persons are not allowed to enter or exit the school;

~~[(j)]~~ and

(10) Providing shelter in specific areas of a school; ~~and~~

~~[(k)]~~ (b) Providing specific information relating to managing a crisis or ~~[an]~~ emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate ~~to~~

~~—2.1~~ ; and

(c) *Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide.*

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

~~[(3)]~~ 4. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

~~[(4)]~~ 5. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 19. NRS 388.255 is hereby amended to read as follows:

388.255 1. The State Board shall adopt regulations setting forth requirements for:

- (a) The plan required to be developed pursuant to NRS 388.243; and
- (b) Reviewing and approving a deviation pursuant to NRS 388.251.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis, ~~for an~~ emergency ~~[-] or suicide.~~

Sec. 20. NRS 388.257 is hereby amended to read as follows:

388.257 1. If a crisis or an emergency that requires immediate action occurs at a public school ~~[-, including, without limitation, a charter school,] or a suicide occurs~~, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 388.243 and in accordance with any deviation approved pursuant to NRS 388.251, contact all appropriate local agencies, ~~including, without limitation, [the agency which provides child welfare services,]~~ a provider of mental health services which is operated by a state or local agency, to respond to the crisis, ~~for the~~ emergency ~~[-] or suicide.~~

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 388.253 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis , ~~for an~~ emergency *or suicide* that occurs at a public school or notifies a public school regarding a crisis , ~~for an~~ emergency *or suicide* that occurs outside of the public school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any other public school ~~[, including, without limitation, a charter school,]~~ or any private school of the crisis , ~~for~~ emergency ~~[.]~~ *or suicide*. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis , ~~for~~ emergency ~~[.]~~ *or suicide*.

Sec. 21. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and NRS 388.229 to 388.261, inclusive, ~~and sections 7 and 8 of this act~~ must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 22. ~~[Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.] (Deleted by amendment.)~~

Sec. 23. ~~["Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.] (Deleted by amendment.)~~

Sec. 24. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

"Suicide" means the suicide of a pupil, teacher or other member of the community of a private school.

Sec. 25. NRS 394.168 is hereby amended to read as follows:

394.168 As used in NRS 394.168 to 394.1699, inclusive, ~~and sections 23 and~~ section 24 of this act, unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1683, inclusive, ~~and sections 23 and~~ section 24 of this act have the meanings ascribed to them in those sections.

Sec. 26. NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish a development committee to develop a plan to be used by the private school in responding to a crisis , ~~for an~~ emergency ~~[.]~~ *or suicide*.

2. The membership of a development committee consists of:

- (a) At least one member of the governing body;
- (b) At least one administrator of the school;
- (c) At least one teacher of the school;
- (d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;
- (e) At least one parent or legal guardian of a pupil who is enrolled in the school;

(f) At least one representative of a local law enforcement agency in the county in which the school is located; and

(g) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the governing body deems appropriate, including, without limitation:

(a) A counselor of the school;

(b) A psychologist of the school;

(c) A licensed social worker of the school;

(d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school is located.

4. The governing body of each private school shall determine the term of each member of the development committee that it established. Each development committee may adopt rules for its own management and government.

Sec. 27. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each development committee shall develop a plan to be used by its school in responding to a crisis , ~~for an~~ emergency ~~or suicide~~. Each development committee shall, when developing the plan : ~~consult with:~~

(a) ~~The~~ Consult with local social service agencies and local public safety agencies in the county in which its school is located.

(b) ~~The~~ Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

~~[(c) Conduct a survey of persons and organizations, including, without limitation, the agency which provides child welfare services, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.]~~

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; and

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency . ~~to~~

~~(d) The names of persons and organizations, including, without limitation, the agency which provides child welfare services, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide; and~~

~~(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide.~~

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 28. NRS 394.1696 is hereby amended to read as follows:

394.1696 1. If a crisis or an emergency that requires immediate action occurs at a private school ~~[-]~~ *or a suicide occurs*, the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies , *including, without limitation, [the agency which provides child welfare services,] a provider of mental health services which is operated by a state or local agency,* to respond to the crisis , ~~for the~~ emergency ~~[-]~~ *or suicide*.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 388.253 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate

crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis , ~~for an~~ emergency *or suicide* that occurs at a private school or notifies a private school regarding a crisis , ~~for an~~ emergency *or suicide* that occurs outside of the private school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any public school ~~[, including, without limitation, a charter school,]~~ or any other private school of the crisis , ~~for~~ emergency ~~[,]~~ *or suicide*. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis , ~~or~~ emergency ~~[,]~~ *or suicide*.

Sec. 29. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, *and* ~~[sections 23 and]~~ *section 24 of this act* must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 30. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created in the State General Fund the Emergency Assistance Account. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account created pursuant to NRS 353.2735 to the Emergency Assistance Account in an amount not to exceed \$500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the Emergency Assistance Account. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph (c), all expenditures from the Emergency Assistance Account must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Emergency Assistance Account must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster; and

(c) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Emergency Assistance Account at the end of a fiscal year and

the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed \$250,000, to this state or to a local government to:

- (a) Purchase equipment or supplies required for emergency management;
- (b) Provide training to personnel related to emergency management; and
- (c) Carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[,]~~, and sections ~~[6,]~~ 7 and 8 of this act.

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Emergency Assistance Account for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Emergency Assistance Account.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Emergency Assistance Account. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Disaster Relief Account, upon request by the Division.

Sec. 31. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a public school or private school within the jurisdiction of an agency which provides child welfare services experiences a crisis, emergency or suicide, the agency which provides child welfare services ~~shall~~ may provide counseling and other services to pupils and staff of the school upon being contacted by the principal or other person in charge of the school or his or her designated representative pursuant to NRS 388.257 or 394.1696, as applicable.*

2. *As used in this section:*

(a) *"Private school" has the meaning ascribed to it in NRS 394.103.*

(b) *"Public school" has the meaning ascribed to it in NRS 385.007.*

(c) *With reference to:*

(1) *A private school:*

(I) *"Crisis" has the meaning ascribed to it in NRS 394.1681.*

(II) *"Emergency" has the meaning ascribed to it in NRS 394.16823.*

(III) *"Suicide" has the meaning ascribed to it in section 24 of this act.*

(2) *A public school:*

(I) *"Crisis" has the meaning ascribed to it in NRS 388.231.*

(II) *"Emergency" has the meaning ascribed to it in NRS 388.233.*

(II) *"Suicide" has the meaning ascribed to it in section 8 of this act.*

Sec. 32. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:
 - (a) Child welfare services provided in this State;
 - (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
 - (c) The development of local councils involving public and private organizations;
 - (d) Reports of abuse or neglect, records of these reports and the response to these reports;
 - (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
 - (f) The management and assessment of reported cases of abuse or neglect;
 - (g) The protection of the legal rights of parents and children;
 - (h) Emergency shelter for a child;
 - (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
 - (j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:
 - (1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;
 - (2) The procedures for taking a child for placement in protective custody; and
 - (3) The state and federal legal rights of:
 - (I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and
 - (II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and
 - (k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.
2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform

standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

↪ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[]~~, and section 31 of this act.

Sec. 33. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 34. ~~[The provisions of NRS 254.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, ~~[2017]~~ 2018.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 496 to Senate Bill No. 212 details provisions related to the school Safe-to-Tell teams and provides team members with civil immunity; requires conspicuous posting of program information; clarifies coordination with local mental-health services, rather than child-welfare

services; removes new requirements on private schools, other than including suicide in their emergency planning and response; delays the effective date to July 1, 2018, and makes other clarifying technical changes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 240.

SUMMARY—Revises provisions relating to education. (BDR 34-583)

AN ACT relating to education; authorizing the Superintendent of Public Instruction to carry out an ~~[on-site]~~ inspection of a provider of special education in certain circumstances; authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the laws governing the education of pupils with disabilities in certain circumstances; requiring the Department of Education to prescribe certain policies and procedures for programs of special education; revising certain provisions concerning background checks conducted on certain educational personnel ~~[;]~~ and volunteers; authorizing a court ~~[that orders a child to be placed with someone other than a parent]~~ to appoint an educational surrogate parent for ~~[the]~~ a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to ensure compliance with the Individuals with Disabilities Education Act, federal regulations adopted pursuant to the Act and Nevada statutes and regulations governing the education of pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300; NRS 388.417-388.5243) Existing regulations also require the Department to monitor each school district, charter school or other governmental entity responsible for providing education to pupils with disabilities and to administer a state complaint system for the investigation of potential noncompliance with certain federal or state laws. (34 C.F.R. §§ 300.151 et seq.; NAC 388.092, 388.318) Section 5 of this bill authorizes the Superintendent of Public Instruction to order an ~~[on-site]~~ inspection of a provider of special education after determining that good cause for an ~~[on-site]~~ inspection exists. Such an inspection may be conducted on-site, electronically or by telephone. Section 8 of this bill defines the term "provider of special education" to mean a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to pupils with disabilities for a school district or charter school. If an inspection is ordered by the Superintendent and the provider of special education is found to be out of compliance with the laws governing special education, section 5 requires the Superintendent to: (1) meet with the provider to determine the most efficient

and expeditious manner in which to bring the provider into compliance; and (2) request a plan of corrective action from the board of trustees of the school district or the governing body of the charter school, as applicable.

Existing law defines "communication mode" as any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication. The definition includes certain systems or methods of communication used by such a person. Section 8 revises the definition of "communication mode" to clarify that such systems or methods of communication are used by a person with a disability.

Existing law provides that the Superintendent of Public Instruction is responsible for the enforcement of the K-12 public education laws of this State, and once it is determined that a school district or a charter school is not in compliance with such laws, the Superintendent is required to request a plan of corrective action from the board of trustees of the school district or the governing body of the charter school. (NRS 385.175) Existing federal law also requires the State to conduct a hearing when a parent alleges that his or her child has not received certain due process safeguards that are required by the Individuals with Disabilities Education Act and to provide for an opportunity to appeal the decision rendered by the hearing officer. (20 U.S.C. § 1415) Section 6 of this bill requires the Superintendent to take certain measures in response to the failure or refusal of a provider of special education to comply in a timely manner with a plan of corrective action or the order of a hearing officer related to due process safeguards. Section 6 requires the Superintendent to take certain factors into consideration before determining the corrective measures to take. After considering these factors, section 6 requires the Superintendent to take appropriate measures to ensure compliance.

Section 7 of this bill requires the Department of Education , on or before January 1, 2018, to prescribe policies and procedures necessary to carry out: (1) a program of training for certain school district and charter school personnel; and (2) requirements for notifying parents of pupils with disabilities of certain information concerning special education programs. Section 7 also requires the board of trustees of each school district and the governing body of each charter school to adopt a program for reporting certain information about ~~(pupils in the)~~ special education programs in each school.

Existing law governs the employment of persons in school districts , charter schools and university schools for profoundly gifted pupils in this State. Under existing law, ~~(an applicant)~~ certain applicants seeking employment with ~~(a school district), such schools in this State~~ , except a teacher or other person licensed by the Superintendent of Public Instruction, must submit a complete set of his or her fingerprints and written permission authorizing the applicable school ~~(district)~~ to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant. ~~(NRS 391.104) Section.~~ Under existing law, a teacher or other licensed personnel are required to undergo

subsequent background investigations every 5 years, as a condition to continued employment with the school. (NRS 388A.515, 388C.200, 391.033, 391.104, 391.281) Sections 8.2, 8.3 and 9 of this bill require any applicant for employment with a charter school, university school for profoundly gifted pupils or public school, or volunteer at such a school who is likely to have unsupervised regular contact with pupils, to undergo certain background investigations before the school may employ the applicant or accept the volunteer. Sections 8.2, 8.3, 8.7, 8.8, 9 and 9.1 of this bill require background checks of applicants, employees and volunteers of such schools to include written authorization by the applicant, employee or volunteer for the school to obtain information concerning such persons that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child and any equivalent information from another jurisdiction. Sections 8.2, 8.3, 9 ~~(of this bill requires paraprofessionals)~~ and 9.1 require all employees and volunteers of such a school to undergo subsequent background investigations, every 5 years, as a condition to continue employment with the school ~~(district.)~~ Sections 8.2, 8.3, 9 and 9.1 additionally authorize certain schools to accept gifts, grants and donations to carry out such background checks. Section 9.3 of this bill requires all applicants for employment, employees and volunteers of a private school to undergo similar background investigations and subsequent background investigations.

Existing law gives a juvenile court exclusive jurisdiction over proceedings concerning a child in need of protection in this State, except if the child is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq. (NRS 432B.410) ~~[(The juvenile court may take actions to protect a child from abuse and neglect, including ordering a child to be placed into the custody of a person other than a parent. (NRS 432B.550))]~~ Section 10 of this bill authorizes a juvenile court to appoint an educational surrogate parent for a child ~~[who is a pupil]~~ with a known or suspected disability ~~[.]~~ under certain circumstances.

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

Section 1. NRS 385.040 is hereby amended to read as follows:

385.040 1. The State Board shall hold at least 9 but not more than 12 regular meetings annually at the State Capital. The Secretary shall call all regular meetings.

2. At least one of the meetings of the State Board must include a discussion with the superintendents of the school districts, presidents of the boards of trustees of the school districts, representatives of the governing bodies of charter schools, representatives of the governing bodies of university schools for profoundly gifted pupils and the chairs of all boards, commissions and councils in the public education system in this State to discuss:

(a) The goals and benchmarks of the State for improving the academic achievement of pupils enrolled in public schools;

(b) The effects of those goals and benchmarks on the school districts and public schools;

(c) The status of the school districts and public schools in achieving the goals and benchmarks; and

(d) The status of any ~~[corrective actions imposed on a school district or public school]~~ *plan of corrective action requested by the Superintendent of Public Instruction and of any measures taken to ensure compliance with a plan of corrective action or an order of a hearing officer pursuant to section 6 of this act.*

3. The State Board may hold special meetings at such other times and places as the State Board may direct. The Secretary shall call special meetings upon the written request of the President or any three voting members of the State Board.

4. A majority of the voting members of the State Board constitutes a quorum for the transaction of business, and no action of the State Board is valid unless that action receives, at a legally called meeting, the approval of a majority of all voting members.

Sec. 2. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, *or any other entity which provides education to a pupil with a disability for a school district or charter school*, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Perform such other duties as are prescribed by law.

Sec. 3. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board;

~~and~~

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan ~~[-]~~; and

(n) A summary of any measures taken by the Superintendent of Public Instruction pursuant to section 6 of this act to ensure compliance with a plan of corrective action or the order of a hearing officer.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. 1. Any person or governmental entity may request the Superintendent of Public Instruction to determine whether a provider of special education is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.525, inclusive, and sections 5, 6 and 7 of this act, any regulations adopted pursuant thereto, or any other law or regulation governing the education of pupils with disabilities in this State.

2. Upon receipt of a request pursuant to subsection 1 or upon his or her own initiative, the Superintendent of Public Instruction must determine whether there is good cause to conduct an ~~on-site~~ inspection of the provider of special education. If the Superintendent of Public Instruction determines there is good cause to conduct an ~~on-site~~ inspection, the Superintendent of Public Instruction shall cause such an inspection to be conducted by the Department within 30 days after making the determination. An inspection conducted pursuant to this subsection may be conducted on-site, electronically or by telephone.

3. If, after an inspection conducted pursuant to subsection 2, the Superintendent of Public Instruction determines that a provider of special education is not in compliance with a law or regulation governing the education of pupils with disabilities, the Superintendent of Public Instruction must, not more than 30 days after completion of the inspection:

(a) Meet with the provider of special education to determine the most efficient and expeditious manner in which to bring the provider of special education into compliance with the law or regulation; and

(b) Request the board of trustees of the school district or the governing body of the charter school, as applicable, to establish a plan of corrective action pursuant to NRS 385.175 to ensure compliance with the law or regulation.

Sec. 6. 1. *If a provider of special education fails or refuses to comply in a timely manner with a plan of corrective action established pursuant to NRS 385.175 or with an order of a hearing officer issued pursuant to a due process hearing conducted pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or pursuant to an appeal therefrom, the Superintendent of Public Instruction must take appropriate measures to ensure compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.525, inclusive, and sections 5, 6 and 7 of this act, any regulations adopted pursuant thereto, or any other law or regulation governing the education of pupils with disabilities in this State.*

2. *In determining the appropriate measures to take to ensure compliance with the laws and regulations governing the education of pupils with disabilities, the Superintendent of Public Instruction must consider:*

(a) *The severity of the failure to comply with the plan of corrective action or the order of the hearing officer and the length and number of times that the provider of special education has been out of compliance with the laws and regulations governing the education of pupils with disabilities;*

(b) *Whether the provider of special education made a good faith effort to comply with the plan of corrective action or the order of the hearing officer;*

(c) *The impact on pupils served by the provider of special education of the failure to comply with the plan of corrective action or the order of the hearing officer; and*

(d) *Whether the provider of special education has previously failed to comply with such a plan of corrective action or order of a hearing officer.*

3. *The actions which the Superintendent of Public Instruction may take to ensure compliance pursuant to subsection 1 after considering the factors set forth in subsection 2 include, without limitation:*

(a) *Extending the time by which the provider of special education must comply with the plan of corrective action;*

(b) *Revising the plan of corrective action;*

(c) *Requiring the school district or the governing body of the charter school, as applicable, to provide technical assistance to the provider of special education to assist with compliance with the laws and regulations governing the education of pupils with disabilities;*

(d) *Requiring the school district or the governing body of the charter school, as applicable, to provide appropriate professional development for the provider of special education to assist with compliance with the laws and regulations governing the education of pupils with disabilities;*

(e) *Ordering ~~for a special~~ an investigation of compliance by the provider of special education or additional ~~for on-site~~ inspections of the provider of special education to ensure compliance with the laws and regulations governing the education of pupils with disabilities, or both;*

(f) *Requiring the school district or charter school, as appropriate, to assign one or more persons to monitor compliance with the plan of corrective action*

or order of the hearing officer and the laws and regulations governing the education of pupils with disabilities by the provider of special education;

(g) ~~Requiring~~ Notwithstanding any collective bargaining agreement or contract of employment to the contrary, requiring the school district or charter school, as applicable, to take appropriate disciplinary action against a principal or other administrator who knowingly and willfully fails to comply with a plan of corrective action or order of a hearing officer;

(h) Requiring the provider of special education to attend a public meeting of the State Board to explain the failure of the provider of special education to comply with a plan of corrective action or order of a hearing officer, address public concerns and outline the actions that the provider of special education intends to take to ensure compliance with the laws and regulations governing the education of pupils with disabilities;

(i) Taking punitive action against the provider of special education, which may include, without limitation:

(1) To the extent possible, redirecting money provided by the Federal Government for administrative costs related to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.; or

(2) To the extent possible, withholding, in whole or in part, any federal or state apportionment to the provider; or

(j) Seeking enforcement of a plan of corrective action or the order of a hearing officer in a court of competent jurisdiction.

4. The Superintendent of Public Instruction may work with any other appropriate governmental entity to carry out the provisions of subsection 3.

Sec. 7. 1. The Department, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, shall adopt regulations prescribing:

(a) Standards for a program of training for persons who are employed by school districts and charter schools and who assist in carrying out the education of pupils who are receiving special education services pursuant to NRS 388.417 to 388.469, inclusive, and sections 5, 6 and 7 of this act, including, without limitation, teachers, administrators, other licensed educational personnel, substitute teachers, personnel who provide related services and paraprofessionals.

(b) The required content and manner of notifying the parents of pupils with disabilities of certain information, which must include, without limitation:

(1) A description of the procedure whereby an individualized education program is developed and implemented for a pupil with a disability.

(2) That the parent of a pupil with a disability has the right to invite persons who have knowledge or special expertise regarding the pupil, including, without limitation, related service personnel, to participate as a member of the individualized education program team for the pupil.

(3) A description of the effect of receiving an adjusted diploma, if a pupil with a disability desires to receive an adjusted diploma pursuant to

NRS 390.600, including, without limitation, that an adjusted diploma may not be used to apply to a college or university.

2. The board of trustees of each school district and the governing body of each charter school shall adopt a program for reporting information concerning the special education programs in each school. The report must include, without limitation, the total number of pupils with disabilities:

- (a) ~~Placed in special education programs.~~
- ~~(b) With an individualized education program.~~
- ~~(c) Who received a standard high school diploma.~~
- (c) Who received an adjusted diploma.
- (d) Who dropped out of school.
- (e) Who did not satisfy the requirements set forth in his or her individualized education program.

Sec. 8. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~[-]~~, and sections 5, 6 and 7 of this act:

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

- (a) American Sign Language;
 - (b) English-based manual or sign systems;
 - (c) Oral and aural communication;
 - (d) Spoken and written English, including speech reading or lip reading;
- and
- (e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~{7-}~~ 8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

~~{8-}~~ 9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

~~{9-}~~ 10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 8.2. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with or employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a charter school who is likely to have unsupervised or regular contact with pupils, must, ~~as a condition to~~ before beginning his or her employment, or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school ~~to~~ :

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or application for protective orders against the applicant, employee or volunteer.

3. If the ~~[reports on the criminal history of an applicant indicate]~~ information obtained by the governing body pursuant subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~or~~.

~~3.]~~ or employee or accept the volunteer, as applicable.

4. If ~~[a report on the criminal history of an applicant]~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant or employee from ~~[further consideration of]~~ employment or the volunteer from serving as a volunteer on the basis of that ~~[report.]~~ information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the ~~[report]~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the ~~[report]~~ information pursuant to this subsection, the charter school shall not employ the applicant ~~or~~.

~~4.]~~ or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~[report]~~ information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied ~~or~~. ~~If the applicant desires employment with the charter school, the~~ or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~or~~ or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

~~5.]~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied ~~or~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant ~~or~~ or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is

unrelated to the position with the charter school for which the applicant has applied ~~or~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position ~~or~~ or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, termination or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school may accept any gifts, grants and donations to carry out the provisions of this section.

Sec. 8.3. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils, must, ~~as a condition to~~ before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school ~~to~~ :

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or volunteer has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the ~~{reports on the criminal history of an applicant indicate}~~ information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~or~~.

~~3.1~~ or employee or accept the volunteer, as applicable.

4. If ~~{a report on the criminal history of an applicant}~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from ~~{further consideration of}~~ employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the ~~{report}~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~or~~.

~~4.1~~ or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~{report}~~ information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~or~~. ~~If the applicant desires employment with the university school, the~~ or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant ~~or~~ or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

~~5.1~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~or~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant ~~or~~ or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant,

employee or volunteer is unrelated to the position with the university school for which the applicant has applied ~~or~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position ~~or~~ or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, termination or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils may accept any gifts, grants and donations to carry out the provisions of this section.

Sec. 8.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 8.6. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 and section 8.5 of this act have the meanings ascribed to them in those sections.

Sec. 8.7. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application ~~the~~:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~the~~; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a

jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. When conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

~~5.~~ 6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) ~~The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History.~~ information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) ~~Do~~ Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~Indicate~~ Indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils or the administrator of the private school where the applicant is employed or serving as a volunteer or seeking employment. The board of trustees or governing body, as applicable, may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

Sec. 8.8. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~1~~ and 391.033, an application to the Superintendent of Public Instruction for a

license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

- (a) The applicant's health records;
 - (b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~or~~ or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in a jurisdiction in which the applicant has resided within the immediately preceding 5 years;
 - (c) Transcripts of the applicant's records at colleges or other educational institutions;
 - (d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;
 - (e) Any correspondence concerning the application; and
 - (f) Any other personal information,
- ↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 9. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~or~~ or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised or regular contact with pupils must, as a condition to, before beginning his or her employment, or service as a volunteer and at least once every 5 years thereafter, submit to the school district ~~to~~ :

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant, employee or volunteer, the board of trustees of a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, warrants for the arrest of or protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, hiring or termination, requiring retraining, imposing discipline or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection ~~[2.]~~ 5. the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

↪ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~[2.]~~ 5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

~~[4. The board of trustees of a school district shall require a paraprofessional who desires to continue employment with the school district to submit to the school district a full set of his or her fingerprints at least once every 5 years after the initial investigation.]~~

6. The board of trustees of a school district may accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

Sec. 9.1. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section ~~[.]~~ or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~[as a condition to]~~ before beginning his or her employment [.] or appointment and at least once every 5 years thereafter, submit to the school district ~~[a]~~ :

(a) A full set of the applicant's *or employee's* fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant *or employee* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~or~~ *or employee*.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant or employee, the board of trustees of a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district may accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~3~~ 6 or ~~4~~ 7 shall be deemed school police officers.

~~3~~ 6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the

charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~4.4~~ 7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 9.3. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant, employee or volunteer to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. When conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

4. The administrator or governing body of a private school may use a substantiated report of abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

Sec. 9.4. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, and section 9.3 of this act, is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 9.6. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:

(1) A school police officer who is appointed or employed pursuant to subsection ~~4~~ 5 of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

(2) The sheriff's office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 9.7. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➡ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment ~~or~~ or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➡ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➡ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

9. As used in this section:

(a) "Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(d) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 9.8. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

- (c) Vacation leave.
 - (d) Holidays.
 - (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
 - (f) Insurance benefits.
 - (g) Total hours of work required of an employee on each workday or workweek.
 - (h) Total number of days' work required of an employee in a work year.
 - (i) Except as otherwise provided in ~~subsection~~ subsections 6, 7 and 10, discharge and disciplinary procedures.
 - (j) Recognition clause.
 - (k) The method used to classify employees in the bargaining unit.
 - (l) Deduction of dues for the recognized employee organization.
 - (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
 - (n) No-strike provisions consistent with the provisions of this chapter.
 - (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
 - (p) General savings clauses.
 - (q) Duration of collective bargaining agreements.
 - (r) Safety of the employee.
 - (s) Teacher preparation time.
 - (t) Materials and supplies for classrooms.
 - (u) Except as otherwise provided in subsections 7, ~~and 9~~ and 10, the policies for the transfer and reassignment of teachers.
 - (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
 - (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.
3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:
- (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.
 - (b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.
 - (c) The right to determine:
 - (1) Appropriate staffing levels and work performance standards, except for safety considerations;
 - (2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➔ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a

school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

- (a) Reassigning any member of the staff of such a school; or
- (b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. The board of trustees of a school district, governing body of a charter school or the governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making determinations concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~{11}~~ 12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~{12}~~ 13. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 9.9. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~{2}~~ 5 of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer's duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 10. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A representative of an agency which provides child welfare services, a law enforcement officer, a probation officer or the district attorney may file a petition requesting the court to appoint an educational surrogate parent for a child with a known or suspected disability. The court ~~that enters an order pursuant to NRS 432B.550~~ may appoint an educational surrogate parent for a child ~~who is a pupil~~ with a known or suspected disability ~~if~~ if a parent, as defined in 34 C.F.R. § 300.30, is:

(a) Not identified;
(b) Unavailable; or
(c) Unwilling or unable to make decisions relating to the education of the child and such an appointment is in the best interest of the child.

2. The court may appoint ~~if~~ a person as an educational surrogate parent if the person:

~~(a) A parent or other person responsible for the child's welfare if:~~
~~— (1) The parent or other person responsible for the child's welfare requests the appointment; and~~
~~— (2) The court determines the appointment is in the best interests of the child.~~
~~— (b) A person other than a parent or other person responsible for the child's welfare if:~~
~~— (1) The person has~~ Has not caused the abuse or neglect of the child;
~~— (2) The person has a personal interest in the well-being of the child;~~
~~— (3) A parent or other person responsible for the child's welfare has not requested the appointment or is unavailable or if the court has denied the request for appointment by a parent or other person responsible for the child's welfare; and~~
~~— (4) The court determines the appointment is in the best interests of the child.~~

~~2.~~

(b) Does not have any interest that conflicts with the best interests of the child;

(c) Has the knowledge and skill to adequately represent the interests of the child; and

(d) Is not an employee of a public agency involved in the education of the child. An educational surrogate parent appointed pursuant to this section shall not be deemed to be an employee of a public agency involved in the education of the child.

3. An educational surrogate parent shall represent the child ~~who is a pupil~~ with a known or suspected disability in all matters relating to the identification of the child, the assessment of any special educational needs of the child, the educational placement of the child and the provision of a free appropriate program of public education to the ~~pupil~~

~~3.1~~ child.

4. A court may revoke the appointment of an educational surrogate parent if the court determines the revocation of the appointment is in the best interests of the child.

~~4.1~~ 5. If the court does not appoint an educational surrogate parent or if the court revokes such an appointment, the selection of an educational surrogate parent must be made pursuant to applicable state and federal law.

~~[5. As used in this section, "pupil with a disability" has the meaning ascribed to it in NRS 388.417.]~~

Sec. 11. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of

children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and section 10 of this act*, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➤ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12.3. The provisions of NRS 288.150, as amended by section 9.8 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 12.5. 1. The Department of Education shall adopt the regulations pursuant to section 7 of this act on or before January 1, 2018.

2. The board of trustees of each school district or the governing body of a charter school shall enact the regulations adopted pursuant to section 7 of this act before the 2018-2019 school year.

Sec. 13. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 240 to Senate Bill No. 213 adds Assemblyman Oscarson as a joint sponsor. It also requires the Department to adopt regulations before January 2018, to be implemented before School Year 2019; clarifies the ways in which an inspection may be conducted and the contents of school district special-education reports; requires certain school employees and volunteers to undergo background checks; authorizes school districts to cooperate with law enforcement when obtaining criminal-history information on an employee or volunteer; revises when a court may appoint an educational-surrogate parent and who may serve in such a role, and provides for other related technical changes.

Amendment adopted.

Senator Denis moved that Senate Bill No. 213 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 219.

Bill read second time.

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

Amendment No. 155.

SUMMARY ~~[Provides for the regulation of certain sources of non ionizing]~~ Revises provisions relating to radiation. (BDR 40-889)

AN ACT relating to radiation; providing for the Division of Public and Behavioral Health of the Department of Health and Human Services and the State Board of Health to regulate tanning equipment ~~[and certain other sources of non ionizing radiation]~~ operated in a tanning establishment; authorizing the Division to suspend, revoke or amend the license or registration of a person who violates certain provisions; establishing the Radiologic Imaging and Radiation Therapy Advisory Committee; requiring certain persons to obtain a license from the Division before engaging in radiation therapy or radiologic imaging; authorizing the Division to issue a limited license to engage in radiologic imaging; authorizing the holders of licenses and limited licenses to perform certain tasks; prescribing the requirements for the issuance and renewal of licenses and limited licenses; authorizing certain persons to practice as radiologist assistants; prescribing additional qualifications for a person to be authorized to perform certain types of radiation therapy and radiologic imaging; authorizing the Division to conduct an inspection for certain purposes; authorizing the Division to impose disciplinary action or seek an injunction in certain circumstances; providing [a penalty]; penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations for the control of sources of ionizing radiation. (NRS 459.201) Existing law also authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to require the registration and inspection of sources of ionizing radiation and impound a source of ionizing radiation in an emergency. (NRS 459.260) Sections ~~[3-5]~~ 3, 4 and 5 of this bill make these provisions applicable to ~~[potentially hazardous non ionizing radiation]~~ tanning equipment operated in tanning establishments as well. ~~[Section 1 of this bill defines "potentially hazardous non ionizing radiation" to mean: (1) ultraviolet light emitted from tanning equipment; (2) visible, infrared or ultraviolet light emitted from an industrial or medical laser; and (3) other non ionizing radiation determined by the State Board to be potentially hazardous.]~~ Section 8 of this bill makes it a misdemeanor to ~~[use, manufacture, produce or knowingly transport, transfer, receive, acquire, own or possess an]~~ operate unregistered ~~[source of potentially hazardous non ionizing radiation for which registration is required.]~~ tanning equipment in a tanning establishment.

Existing law prohibits the owner or operator of a tanning establishment or tanning equipment from allowing a person who is less than 18 years of age from using the tanning equipment of the tanning establishment. (NRS 597.7617) Existing law also imposes certain other duties on the owner or operator of a tanning establishment or tanning equipment.

(NRS 597.7617-597.762) Sections 3, 4, 6 and 7 of this bill authorize the State Board and the Division to enforce these provisions. Section 8 makes the failure to perform these duties a misdemeanor.

Existing law requires the State Board to adopt regulations for the licensing of persons to: (1) receive, possess or transfer radioactive materials and devices; and (2) engage in certain other activities relating to radioactive materials. (NRS 459.201) Section 6 of this bill authorizes the Division to suspend, revoke or amend the license or registration of any person who violates any provision of statute or regulations governing radioactive materials, radiation or tanning establishments.

Sections 11-44 of this bill enact provisions for the licensing and regulation of persons who engage in radiation therapy or radiologic imaging. Section 27 of this bill provides that certain providers of health care, including chiropractor's assistants, are exempt from such licensing and regulation. Section 46 of this bill: (1) authorizes a chiropractor's assistant to perform radiography within the practice of chiropractic if he or she has successfully completed certain training; and (2) prohibits a chiropractor's assistant from otherwise engaging in radiation therapy or radiologic imaging.

Section 30 of this bill prohibits a person from engaging in: (1) radiologic imaging unless he or she has obtained a license or limited license from the Division; or (2) radiation therapy unless he or she had obtained a license from the Division. Section 30 also provides for the issuance of provisional licenses and provisional limited licenses to certain persons. Sections 31 and 32 of this bill prescribe the qualifications for obtaining a license or a limited license. Section 32 also establishes the types of limited licenses that may be issued. Sections 33 and 43 of this bill provide for the denial or suspension of a license or a limited license if the licensee is delinquent in child support payments, in conformance with federal law. Section 34 of this bill authorizes certain holders of a license to engage in radiation therapy or radiologic imaging to practice as a radiologist assistant. Sections 1.1 and 48 of this bill authorize the holder of a license to engage in radiation therapy or radiologic imaging or a person training to obtain such a license to take certain actions with regard to drugs to the same extent as was previously authorized for a radiologic or nuclear medicine technician or trainee. Section 1.2 of this bill authorizes the suspension or revocation of a license to engage in radiation therapy or radiologic imaging if the holder of the license is convicted of certain crimes involving dangerous drugs.

Section 35 of this bill authorizes: (1) an unlicensed person to engage in radiation therapy or radiologic imaging without compensation; or (2) a licensee to practice outside the scope of his or her license under supervision for the purpose of qualifying for a certification that is a prerequisite for being licensed. Section 35 also authorizes the Division to issue a temporary student license, which authorizes an unlicensed person to engage in radiation therapy or radiologic imaging for compensation for the purpose of qualifying for certification that is a prerequisite for being licensed.

Sections 37-39 of this bill prescribe the required qualifications to perform computed tomography, fluoroscopy and mammography, respectively. Section 1.5 of this bill removes a requirement in existing law that a person obtain a certificate of authorization to operate a radiation machine for mammography before operating a radiation machine for mammography. (NRS 457.183) Sections 1.3, 1.7, 1.8 and 57 of this bill remove references to such certificates. section 1.6 of this bill makes a conforming change. Section 36 of this bill authorizes a person who is currently practicing radiation therapy, radiologic imaging, computed tomography, mammography or fluoroscopy to continue to do so without meeting the requirements of this bill if he or she registers with the Division and meets certain other requirements.

Section 40 of this bill authorizes the Division to inspect any building for the purpose of enforcing the provisions of this bill governing radiation therapy and radiologic imaging. Section 41 of this bill: (1) prescribes the grounds for disciplinary action against a holder of a license or limited license; and (2) authorizes a person whose license has been revoked to apply to the Division for reinstatement after 2 years. Section 42 of this bill requires the Division to: (1) investigate a complaint filed against a licensee; and (2) provide a licensee against whom disciplinary action may be imposed with the opportunity for a hearing. Section 44 of this bill authorizes the Division to seek an injunction to prevent a violation of provisions of this bill governing the licensing and regulation of persons who engage in radiation therapy or radiologic imaging. Section 44 also provides that a person who violates any such provision is guilty of a misdemeanor.

Section 28 of this bill establishes the Radiologic Imaging and Radiation Therapy Advisory Committee to: (1) review regulations of the Division concerning radiation therapy and radiologic imaging; and (2) advise the Division and the Legislature concerning radiation therapy and radiologic imaging.

Existing law requires the Legislative Committee on Health Care to review each regulation that certain licensing entities adopt which relates to standards for the issuance or renewal of a license. (NRS 439B.225) Section 1 of this bill requires the Committee to review regulations relating to the standards for the issuance of a full license or limited license under the provisions of this bill. Sections 8.05-8.75, 8.85, 45, 46 and 51-54 of this bill make certain provisions governing reporting concerning other providers of health services apply to the holders of licenses and limited licenses.

Existing law prohibits the Division from issuing or renewing the registration of a radiation machine unless the applicant attests that the radiologic technicians and nuclear medicine technicians employed by the applicant have knowledge of and are in compliance with certain guidelines for the prevention of transmission of infection agents. (NRS 459.035) Section 3.5 of this bill deletes those provisions and instead requires the operator of a radiation machine to be properly licensed and in compliance with the provisions of this bill concerning radiation therapy and radiologic imaging. Section 30 of this

bill requires a person to have knowledge of and be in compliance with those guidelines in order to obtain or renew a license or limited license.

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

Section 1. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS, ~~or~~ or sections 11 to 44, inclusive, of this act.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 1.1. NRS 454.213 is hereby amended to read as follows:

454.213 1. A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➡ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A ~~[nuclear medicine technologist,]~~ *person licensed pursuant to section 31 of this act*, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) ~~[A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.~~

~~[(e)]~~ A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

~~[(e)]~~ (o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

~~[(e)]~~ (p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

~~[(e)]~~ (q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

~~[(e)]~~ (r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

~~[(e)]~~ (s) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

~~[(e)]~~ (t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to section 31 of this act if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, ~~nuclear medicine technologist, radiologic technologist,~~ physical therapist or veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

~~[(v)]~~ (u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 1.2. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS ~~or~~ or sections 11 to 44, inclusive, of this act.

Sec. 1.3. NRS 457.065 is hereby amended to read as follows:

457.065 The State Board of Health shall adopt regulations for the administration of this chapter which include, without limitation, standards for the ~~the~~

~~1. Training and performance of a person who operates a radiation machine for mammography which are at least as stringent as the requirements for accreditation established by the American College of Radiology.~~

~~2. Inspection~~ inspection and authorization of a radiation machine for mammography which are at least as stringent as the requirements for accreditation established by the American College of Radiology.

Sec. 1.5. NRS 457.183 is hereby amended to read as follows:

457.183 1. A person shall not operate a radiation machine for mammography unless the person:

(a) ~~Has a certificate of authorization to operate a radiation machine issued by the Division;~~ Meets the requirements of section 36 or 39 of this act; or

(b) Is licensed pursuant to chapter 630 or 633 of NRS.

2. ~~To obtain a certificate of authorization to operate a radiation machine for mammography, a person must:~~

~~(a) Submit an application to the Division on a form provided by the Division and provide any additional information required by the Division;~~

~~(b) Be certified by the American Registry of Radiologic Technologists or meet the standards established by the Division pursuant to subsection 1 of NRS 457.065;~~

~~(c) Pass an examination if the Division determines that an examination for certification is necessary to protect the health and safety of the residents of this State;~~

~~(d) Submit the statement required pursuant to NRS 457.1833; and~~

~~(e) Pay the fee required by the Division, which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.~~

~~3. An application for the issuance of a certificate of authorization to operate a radiation machine for mammography must include the social security number of the applicant.~~

~~4. The Division shall certify a person to operate a radiation machine for mammography if the person complies with the provisions of subsection 2 and meets the standards adopted pursuant to subsection 1 of NRS 457.065.~~

~~5. A certificate of authorization to operate a radiation machine for mammography expires 3 years after the date on which it was issued unless it is renewed before that date. The Division shall require continuing education as a prerequisite to the renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the renewal of a certificate.~~

~~6.1~~ A person who is ~~[certified]~~ authorized by subsection 1 to operate a radiation machine for mammography ~~[pursuant to this section]~~ shall not operate such a machine without a valid certificate of authorization issued pursuant to NRS 457.184 for the machine.

Sec. 1.6. NRS 457.184 is hereby amended to read as follows:

457.184 1. The owner, lessee or other responsible person shall not ~~[operate or]~~ allow to be operated a radiation machine for mammography unless he or she:

(a) Has a valid certificate of authorization from the Division for the machine; and

(b) Is accredited by the American College of Radiology or meets the standards established by the State Board of Health pursuant to ~~[subsection 2 of]~~ NRS 457.065.

2. To obtain a certificate of authorization from the Division for a radiation machine for mammography, a person must:

(a) Submit an application to the Division on a form provided by the Division;

(b) Provide any additional information required by the Division; and

(c) Pay the fee required by the Division which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.

3. After an inspection, the Division shall issue a certificate of authorization for a radiation machine for mammography if the machine:

(a) Meets the standards adopted by the State Board of Health pursuant to ~~[subsection 2 of]~~ NRS 457.065;

(b) Is specifically designed to perform mammography; and

(c) Is used to perform mammography and may be used for screening, diagnostic or therapeutic purposes.

4. A certificate of authorization for a radiation machine for mammography expires 1 year after the date on which it was issued unless renewed before that date. The Division may require an inspection of the machine as a prerequisite to renewal of a certificate and shall charge a fee for renewal that is calculated

to cover the administrative costs directly related to the process of renewing certificates.

5. A person who owns or leases or is otherwise responsible for more than one radiation machine for mammography shall obtain a certificate of authorization for each radiation machine.

Sec. 1.7. NRS 457.185 is hereby amended to read as follows:

457.185 1. The Division shall grant or deny an application for ~~a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography within 4 months after receipt of a complete application.

2. ~~The Division shall withdraw the certificate of authorization to operate a radiation machine for mammography if it finds that the person violated the provisions of subsection 6 of NRS 457.182.~~

~~3.~~ The Division shall deny or withdraw the certificate of authorization of a radiation machine for mammography if it finds that the owner, lessee or other responsible person violated the provisions of subsection 1 of NRS 457.184.

~~4.~~ 3. If ~~a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography is withdrawn, a person must apply for the certificate in the manner provided for an initial certificate.

Sec. 1.8. NRS 457.186 is hereby amended to read as follows:

457.186 Upon request, the Division shall hold an administrative hearing concerning the denial or withdrawal of ~~an application for a certificate of authorization to operate a radiation machine for mammography or~~ a certificate of authorization for a radiation machine for mammography.

~~Section 1.~~ Sec. 1.9. NRS 459.010 is hereby amended to read as follows:

459.010 As used in NRS 459.010 to 459.290, inclusive, unless the context requires otherwise:

1. "By-product material" means:

(a) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or making use of special nuclear material; and

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore which is processed primarily for the extraction of the uranium or thorium.

2. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

3. "General license" means a license effective pursuant to regulations adopted by the State Board of Health without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

4. "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultraviolet light.

5. "Person" includes any agency or political subdivision of this State, any other state or the United States, but not the Nuclear Regulatory Commission or its successor, or any federal agency licensed by the Nuclear Regulatory Commission or any successor to such a federal agency.

6. ~~["Potentially hazardous non-ionizing radiation" means:~~
~~(a) Ultraviolet light emitted from tanning equipment as defined in~~
~~NRS 597.7615;~~
~~(b) Visible, infrared or ultraviolet light emitted from an industrial or~~
~~medical laser; and~~
~~(c) Other sound or radio waves or visible, infrared or ultraviolet light that~~
~~the State Board of Health determines by regulation may pose a significant~~
~~hazard to the health of a person who comes in contact with the radiation.~~

~~7.]~~ "Source material" means:

(a) Uranium, thorium or any other material which the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined that material to be source material.

(b) Any ore containing one or more of the materials enumerated in paragraph (a) in such concentration as the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined the material in the concentration to be source material.

7. ~~8.]~~ "Special nuclear material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Governor declares by order to be special nuclear material after the Nuclear Regulatory Commission or any successor thereto has determined such material to be special nuclear material, but does not include source material.

(b) Any material artificially enriched by any of the materials enumerated in paragraph (a), but does not include source material.

8. ~~9.]~~ "Specific license" means a license issued pursuant to the filing of an application to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

9. "Tanning equipment" has the meaning ascribed to it in NRS 597.7615.

10. "Tanning establishment" has the meaning ascribed to it in NRS 597.7616.

Sec. 2. NRS 459.020 is hereby amended to read as follows:

459.020 The Division is hereby designated as the state radiation control agency, and is authorized to take all action necessary or appropriate to carry out the provisions of NRS 459.010 to 459.290, inclusive ~~[-]~~, and 597.761 to 597.7622, inclusive.

Sec. 3. NRS 459.030 is hereby amended to read as follows:

459.030 For the protection of public health and safety, the Division shall:

1. Develop and conduct programs for the evaluation of and response to hazards associated with the use of sources of ionizing radiation ~~[,] and [potentially hazardous non-ionizing radiation,]~~ tanning equipment operated in tanning establishments.

2. Develop programs and formulate, with due regard for compatibility with federal programs, regulations for adoption by the State Board of Health regarding:

(a) Licensing and regulation of by-product materials, source materials, special nuclear materials and other radioactive materials, including radioactive waste.

(b) Control of other sources of ionizing radiation ~~[,] and [potentially hazardous non-ionizing radiation,]~~ tanning equipment operated in tanning establishments.

3. Adopt such regulations as may be necessary to administer the provisions of NRS 459.010 to 459.290, inclusive ~~[,] and 597.761 to 597.762, inclusive.~~

4. Collect and disseminate information relating to control of sources of ionizing radiation ~~[,] and [potentially hazardous non-ionizing radiation,]~~ tanning equipment operated in tanning establishments, including:

(a) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations.

(b) Maintenance of a file of registrants possessing sources of ionizing radiation ~~and [potentially hazardous non-ionizing radiation]~~ operating tanning equipment in a tanning establishment which require registration pursuant to the provisions of NRS 459.010 to 459.290, inclusive. The file must include a record of any administrative or judicial action pertaining to such registrants.

(c) Maintenance of a file of all regulations, pending or promulgated, relating to the regulation of sources of ionizing ~~[radiation and potentially hazardous non-ionizing]~~ radiation ~~[,] and tanning equipment operated in tanning establishments,~~ and any proceedings pertaining to the regulations.

Sec. 3.5. NRS 459.035 is hereby amended to read as follows:

459.035 The Division shall not issue or renew the registration of a radiation machine pursuant to regulations adopted by the State Board of Health unless the applicant for issuance or renewal of the registration attests that the ~~[radiologic technologists and nuclear medicine technologists]~~ persons employed by the applicant ~~[have knowledge of and are in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices,]~~ to operate the radiation machine are properly licensed pursuant to sections 11 to 44, inclusive, of this act and are in compliance with the provisions of those sections.

Sec. 4. NRS 459.050 is hereby amended to read as follows:

459.050 1. Any authorized representative of the Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of NRS 459.010 to 459.290, inclusive, *or 597.761 to 597.7622, inclusive*, or of the rules and regulations promulgated ~~[under NRS 459.010 to 459.290, inclusive,]~~ pursuant thereto, and the owner, occupant or person in charge of such property shall permit such entry and inspection.

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection, or any information concerning trade secrets or secret industrial processes obtained under NRS 459.010 to 459.290, inclusive, *and 597.761 to 597.7622, inclusive*, shall not be disclosed or opened to public inspection except as otherwise provided in NRS 239.0115 or as may be necessary for the performance of the functions of the State Board of Health.

Sec. 5. NRS 459.201 is hereby amended to read as follows:

459.201 1. The State Board of Health shall, with due regard for compatibility with federal programs, adopt regulations for:

(a) General or specific licensing of persons to receive, possess or transfer radioactive materials, or devices or equipment utilizing such materials. Every such regulation shall provide for amendment, suspension or revocation of licenses.

(b) Licensing and regulation of by-product materials, source materials, special nuclear materials and other radioactive materials, including radioactive waste.

(c) Control of other sources of ionizing radiation ~~[, and potentially hazardous non ionizing radiation,]~~ tanning equipment operated in tanning establishments.

2. The Division may require:

(a) Registration and inspection of sources of ionizing radiation ~~[and potentially hazardous non ionizing radiation]~~ which do not require specific licensing ~~[, and tanning equipment operated in tanning establishments.~~

(b) Compliance with specific standards to be promulgated by the State Board of Health.

3. The State Board of Health may exempt certain sources of ionizing radiation ~~[, and potentially hazardous non ionizing radiation,]~~ or kinds of uses or users of such sources, from the licensing or registration requirements set forth in this section if the Board makes a finding that the exemption of such sources of ionizing radiation ~~[, and potentially hazardous non ionizing radiation,]~~ or kinds of uses or users of such sources, will not constitute a significant risk to the health and safety of the public.

4. Regulations promulgated pursuant to NRS 459.010 to 459.290, inclusive, may provide for recognition of such other state or federal licenses

as the State Board of Health may consider desirable, subject to such registration requirements as the State Board of Health may prescribe.

Sec. 6. NRS 459.260 is hereby amended to read as follows:

459.260 1. *The Division may suspend, revoke or amend a license or registration issued pursuant to NRS 459.201 to a person who has violated any provision of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, or any rule, regulation or order issued pursuant thereto.*

2. In the event of an emergency, the Division may impound, or order the impounding of, sources of ionizing radiation ~~and potentially hazardous non ionizing radiation~~ or tanning equipment being operated in a tanning establishment in the possession of any person who is not equipped to observe, or who fails to observe, any provision of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, or any rules or regulations issued ~~under NRS 459.010 to 459.290, inclusive,~~ pursuant thereto.

Sec. 7. NRS 459.270 is hereby amended to read as follows:

459.270 1. If, in the judgment of the Division, any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, or any rule, regulation or order issued ~~under NRS 459.010 to 459.290, inclusive,~~ pursuant thereto, the Division may request the Attorney General to apply to the district court for an order enjoining such act or practice, or for an order directing compliance with any provision of NRS 459.010 to 459.290, inclusive, and 597.761 to 597.7622, inclusive, or any rule, regulation or order issued ~~under NRS 459.010 to 459.290, inclusive,~~ pursuant thereto.

2. Upon a showing by the Division that such person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order may be granted by the court.

Sec. 8. NRS 459.290 is hereby amended to read as follows:

459.290 Every person is guilty of a misdemeanor who:

1. Uses, manufactures, produces, or knowingly transports, transfers, receives, acquires, owns or possesses any source of ionizing radiation ~~for potentially hazardous non ionizing radiation~~ which has not been licensed or registered in accordance with the provisions of NRS 459.010 to 459.290, inclusive, and the regulations adopted ~~under them,~~ pursuant thereto or operates tanning equipment which has not been so registered in a tanning establishment.

2. Violates any of the provisions of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, or any regulation or order adopted or issued under them.

Sec. 8.05. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in

connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

- (a) Forty percent of the first \$50,000 recovered;
- (b) Thirty-three and one-third percent of the next \$50,000 recovered;
- (c) Twenty-five percent of the next \$500,000 recovered; and
- (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 8.1. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 8.2. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract

or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

- (a) Recover any amount against the plaintiff; or
- (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 8.3. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person;

or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(c) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced

practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his

or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 8.4. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited

license issued under the provisions of sections 11 to 44, inclusive, of this act or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings

must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

- (a) Aging and Disability Services Division;
- (b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and
- (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 8.5. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Report the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to

chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of sections 11 to 44, inclusive, of this act or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 8.6. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3,

→ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a

license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, or sections 11 to 44, inclusive, of this act, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 8.7. NRS 200.810 is hereby amended to read as follows:

200.810 "Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS ~~or~~ or sections 11 to 44, inclusive, of this act.

Sec. 8.75. NRS 200.820 is hereby amended to read as follows:

200.820 "Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS ~~or~~ or sections 11 to 44, inclusive, of this act.

Sec. 8.8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,

338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 40 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section

does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 8.85 NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS ~~or~~ or sections 11 to 44, inclusive, of this act.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 8.9. NRS 597.7618 is hereby amended to read as follows:

597.7618 An owner or operator shall post in a conspicuous place in the tanning establishment a notice that states substantially the following:

1. It is unlawful for the owner or operator of a tanning establishment to allow a person who is less than 18 years of age to use any tanning equipment.

2. An owner or operator of a tanning establishment who violates any provision of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, may be subject to civil action.

3. Any person may report a violation of NRS 459.010 to 459.290, inclusive, or 597.761 to 597.7622, inclusive, to any law enforcement agency.

4. Health risks associated with tanning include, without limitation, skin cancer, premature aging of the skin and burns to the skin.

Sec. 9. NRS 597.762 is hereby amended to read as follows:

597.762 An owner or operator shall ensure that:

1. A person who is qualified to operate the tanning equipment and who is able to inform users about, and assist such users in, the proper use of tanning equipment is present at the tanning establishment during operating hours.

2. Tanning equipment is properly sanitized after each use.

3. Each user, before he or she begins to use tanning equipment, is provided with properly sanitized and securely fitting protective eyewear that protects the wearer's eyes from ultraviolet radiation and allows enough vision to maintain balance.

4. Users wear the protective eyewear described in subsection 3 when using tanning equipment.

5. Each user is shown how to maintain the proper exposure distance from the tanning equipment as recommended by the manufacturer.

6. A timing device which is accurate within 10 percent of any selected time interval is used and is remotely located so a user cannot set his or her own exposure time when using tanning equipment.

7. Tanning equipment is equipped with a mechanism that allows the user to turn off the tanning equipment.

8. Each user is limited to the maximum exposure time recommended by the manufacturer for his or her skin type.

9. A user is not allowed to use the tanning equipment more than once in any 24-hour period.

10. The interior temperature of the tanning equipment does not exceed 100 degrees Fahrenheit.

11. Acknowledgments signed by each user indicating that he or she understands the notices and warnings prescribed by NRS 597.7618 and 597.7619, and that he or she agrees to use protective eyewear, are retained for at least 1 year or until the user signs a new acknowledgment.

12. *Tanning equipment is used and operated in accordance with any applicable regulations adopted by the State Board of Health or the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 459.010 to 459.290, inclusive.*

Sec. 10. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 11 to 44, inclusive, of this act.

Sec. 11. As used in this chapter, the words and terms defined in sections 12 to 26, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 12. "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

Sec. 13. "Direct supervision" means supervision where the person providing supervision is present in the building with the person being supervised and available to furnish assistance if needed.

Sec. 14. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 15. "Fluoroscopy" means the exposure of a patient to ionizing radiation in a fluoroscopy mode, including the positioning of the patient and the fluoroscopy equipment and the selection of exposure factors.

Sec. 16. "Ionizing radiation" has the meaning ascribed to it in NRS 459.010.

Sec. 17. "License" means a license to engage in radiation therapy and radiologic imaging issued pursuant to section 31 of this act. The term does not include a limited license.

Sec. 18. "Limited license" means a limited license to engage in radiologic imaging issued pursuant to section 32 of this act.

Sec. 19. "Mammography" has the meaning ascribed to it in NRS 457.182.

Sec. 20. "Radiation" has the meaning ascribed to it in NRS 457.182.

Sec. 21. "Radiation therapy" means the administration of ionizing radiation for therapeutic purposes.

Sec. 22. "Radiography" has the meaning ascribed to it in NRS 457.182.

Sec. 23. "Radiologic imaging" means the use of ionizing radiation to diagnose or visualize a medical condition.

Sec. 24. "Radiologist" means a physician certified by or eligible to be certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the Royal College of Radiologists or the Royal College of Physicians and Surgeons of Canada, or their successor organizations, in radiology.

Sec. 25. "Radiologist assistant" means a person who meets the requirements of section 34 of this act.

Sec. 26. "Supervision" means assuming responsibility for and control of the technical aspects of administering radiation for diagnostic or therapeutic purposes and the quality of those services, and ensuring that radiation is administered safely, including, without limitation, ensuring that all persons involved are adequately protected from radiation.

Sec. 27. The provisions of this chapter do not apply to:

1. A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS;

2. A dentist, dental hygienist or other person working under the direct supervision of a dentist; or

3. A chiropractor or chiropractor's assistant.

Sec. 28. 1. The Radiologic Imaging and Radiation Therapy Advisory Committee is hereby created.

2. The Committee consists of seven members, all of whom are voting members, appointed by the Governor. The Governor shall appoint to the Committee:

(a) One member who holds a license and is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography.

(b) One member who holds a license and is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of nuclear medicine technology.

(c) One member who holds a license and is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiation therapy.

(d) One member who holds a limited license.

(e) One member who is a radiologist.

(f) One member who is a physician, other than a radiologist, or a dentist, chiropractor or podiatrist.

(g) One member who is a radiation safety officer or medical physicist.

3. After the initial terms, the members of the Committee serve terms of 3 years. A vacancy on the Committee must be filled in the same manner as the initial appointment. No member may serve more than 2 consecutive terms.

4. Members of the Committee serve without compensation, except that each member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Committee shall annually elect a Chair, who must be a person described in paragraphs (a) to (d), inclusive, of subsection 2, and a Vice Chair.

6. The Committee shall meet at least twice each year on the call of the Chair or a majority of its members. The Committee may meet by telephone, videoconference or other electronic means in accordance with the provisions of chapter 241 of NRS.

7. The Committee shall:

(a) Review each regulation that the Division proposes or adopts pursuant to the provisions of this chapter and notify the Division of the opinion of the Committee regarding the advisability of adopting or revising the regulation.

(b) Make any other recommendations to the Division and the Legislature concerning radiation therapy or radiologic imaging as it deems proper.

Sec. 29. 1. The State Board of Health shall adopt regulations:

(a) Establishing fees for the application for and issuance and renewal of a license or limited license.

(b) Defining the scope of practice for radiologist assistants and persons who hold licenses and limited licenses. Such regulations must be not less restrictive than the standards of practice adopted by the American Society of Radiologic Technologists or its successor organization.

(c) Prescribing the requirements for continuing education for the renewal of a license or limited license. Such regulations must require the holder of a license to complete more hours of continuing education than the holder of a limited license.

(d) Prescribing the qualifications of persons who are authorized to supervise the holder of a limited license, the tasks for which such supervision is required and the level of supervision required.

(e) Defining the terms "crime involving moral turpitude" and "unprofessional conduct" for the purposes of section 41 of this act.

2. The State Board of Health may adopt any other regulations necessary or convenient to carry out the provisions of this chapter.

3. All money received from fees and penalties pursuant to the provisions of this chapter must be forwarded to the State Treasurer for deposit in the State General Fund.

4. The Division shall enforce the provisions of this chapter and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 30. 1. Except as otherwise provided in sections 27, 35 and 36 of this act, a person shall not engage in:

(a) Radiologic imaging unless he or she has obtained a license or limited license from the Division.

(b) Radiation therapy unless he or she has obtained a license from the Division.

(c) Radiologic imaging or radiation therapy outside the scope of practice authorized for his or her license or limited license by the regulations adopted pursuant to section 29 of this act.

2. A person who wishes to obtain or renew a license or limited license must apply to the Division in the form prescribed by the Division.

3. A license or limited license expires 2 years after the date on which the license was issued and must be renewed on or before that date.

4. The Division shall not issue or renew a license or limited license unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

5. The Division may issue a provisional license or provisional limited license to a person who holds an equivalent license or certificate in another state.

6. A provisional license or provisional limited license may not be renewed and expires:

(a) On the date that the holder of the provisional license or provisional limited license is issued a license or limited license by the Division;

(b) On the date that the application of the holder of the provisional license or provisional limited license for a license or limited license is denied by the Division; or

(c) One year after the date on which the holder of the provisional license or provisional limited license is initially hired to engage in radiation therapy or radiologic imaging.

Sec. 31. The Division may issue a license to engage in radiation therapy and radiologic imaging to a person who:

1. Has successfully completed a course of study that meets the requirements of the Joint Review Committee on Education in Radiologic Technology, the Joint Review Committee on Educational Programs in Nuclear Medicine Technology, their successor organizations or another national accrediting organization approved by the Division; and

2. Is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography, nuclear medicine technology or radiation therapy or the Nuclear Medicine Technology Certification Board, or its successor organization, in nuclear medicine or meets any alternative standards prescribed by regulation of the Division.

Sec. 32. 1. The Division may issue a limited license to engage in radiologic imaging to a person who has:

(a) Completed a course of study in limited X-ray machine operation that incorporates the Limited X-Ray Machine Operator Curriculum prescribed by the American Society of Radiologic Technologists or its successor organization; and

(b) Passed an examination for limited X-ray machine operators administered by the American Registry of Radiologic Technologists or its successor organization, or:

(1) If applying for a limited license in spine and extremity radiography, be certified by the American Chiropractic Registry of Radiologic Technologists or its successor organization.

(2) If applying for a limited license in podiatric radiography, be licensed as a podiatry hygienist pursuant to NRS 635.093 or certified by the American Society of Podiatric Medical Assistants or its successor organization.

(3) If applying for a limited license in bone densitometry, be certified as a bone densitometry technologist or a certified densitometry technologist by the International Society for Clinical Densitometry, or its successor organization, or has successfully completed the examination for bone densitometry equipment operators administered by the American Registry of Radiologic Technologists or its successor organization.

2. The holder of a limited license may perform radiologic imaging only within the scope of the limited license, as defined in this subsection and the regulations adopted pursuant to section 29 of this act, and under the supervision prescribed by those regulations. The Division may issue a limited license in:

(a) Chest radiography, which authorizes the holder of the limited license to engage in radiography of the thorax, heart and lungs.

(b) Extremities radiography, which authorizes the holder of the limited license to engage in radiography of the upper and lower extremities, including the pelvic girdle.

(c) Spine and extremity radiography, which authorizes the holder of the limited license to engage in radiography of the vertebral column and the upper and lower extremities, including the pelvic girdle.

(d) Skull and sinus radiography, which authorizes the holder of the limited license to engage in radiography of the skull and face.

(e) Podiatric radiography, which authorizes the holder of the limited license to engage in radiography of the foot, ankle and lower leg below the knee.

(f) Bone densitometry, which authorizes the holder of the limited license to engage in the determination of bone mass by measuring the radiation absorption of the bone.

3. The holder of a limited license shall not perform procedures using contrast media, mammography, nuclear medicine or radiation therapy.

4. As used in this section, "bone densitometry" means the quantitative assessment of bone mass using single or dual energy X-ray absorptiometry.

Sec. 33. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license or limited license shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance or renewal of a license or limited license shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license or limited license may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the

amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. 1. The holder of a license may practice as a radiologist assistant if the holder is:

(a) Certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography and is registered as a Radiologist Assistant by the Registry; or

(b) Certified by the Certification Board of Radiology Practitioner Assistants.

2. In addition to the activities that the holder of a license is authorized to perform by the regulations adopted pursuant to section 29 of this act, a radiologist assistant:

(a) May perform activities relating to the care and management of patients, including radiologic imaging and interventional procedures guided by radiologic imaging, under the direct supervision of a radiologist.

(b) May provide initial observations concerning the images of a patient to a supervising radiologist.

(c) Shall not interpret images of a patient or otherwise engage in the practice of medicine, as defined in NRS 630.020.

Sec. 35. 1. A person who does not meet the requirements of section 30 of this act may, without compensation, engage in radiation therapy or radiologic imaging under the direct supervision of a physician, chiropractor or podiatrist or a person who holds a license for the purpose of qualifying for any certification that is a prerequisite to obtain a license or a limited license.

2. A holder of a license or limited license may engage in radiation therapy or radiologic imaging outside the scope of practice authorized for his or her license or limited license by the regulations adopted pursuant to section 29 of this act under the direct supervision of a physician, chiropractor or podiatrist or person who holds a license and is authorized to practice in that area if the licensee:

(a) Is doing so to qualify for certification by a national accrediting organization in that area; and

(b) Registers with the Division before doing so.

3. The Division may issue a temporary student license to a person who is enrolled in a program to qualify for any certification that is a prerequisite to obtain a license or limited license. A holder of a temporary student license may engage in any activity described in subsection 1 for compensation.

4. A temporary student license may not be renewed and expires:

(a) On the date that the holder of the temporary student license is issued a license or limited license by the Division;

(b) On the date that the application of the holder of the temporary student license for a license or limited license is denied by the Division; or

(c) One year after the date on which the holder of the temporary student license is initially hired to engage in radiation therapy or radiologic imaging.

Sec. 36. A person who is employed in a position where he or she is performing radiation therapy, radiologic imaging, computed tomography, fluoroscopy or mammography on January 1, 2018, may continue to do so without obtaining a license from the Division if he or she:

1. Registers with the Division in the form prescribed by the Division;
2. Provides any information requested by the Division;
3. Does not change the scope of his or her practice; and
4. Completes the continuing education required by the Division for the holder of a license or limited license, as applicable, who provides the same services as those provided by the person.

Sec. 37. 1. A person who is subject to the provisions of this chapter shall not perform computed tomography except as authorized by this section and section 36 of this act.

2. Except as otherwise provided in this section, a holder of a license may only perform computed tomography within his or her scope of practice, as authorized by the regulations adopted pursuant to section 29 of this act, if he or she is certified by:

(a) The American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of nuclear medicine technology or radiation therapy.

(b) The Nuclear Medicine Technology Certification Board, or its successor organization, in nuclear medicine.

3. A holder of a license who is certified by the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board, or their successor organizations, in computed tomography may perform computed tomography.

4. A holder of a license who does not meet the requirements of subsection 2 or 3 may perform computed tomography if he or she:

(a) Is performing computed tomography to qualify for certification by the American Registry of Radiologic Technologists or the Nuclear Medicine Technology Certification Board, or their successor organizations, in computed tomography; and

(b) Registers with the Division before performing computed tomography.

Sec. 38. 1. A person who is subject to the provisions of this chapter shall not perform fluoroscopy except as authorized in this section and section 36 of this act.

2. A radiologist assistant may perform fluoroscopy under the direct supervision of a radiologist.

3. A holder of a license who is certified by the American Registry of Radiologic Technologists, or its successor organization, in the primary pathway of radiography may perform fluoroscopy.

4. A holder of a license who does not meet the requirements of subsection 3 may perform fluoroscopy under the direct supervision of a physician or the holder of a license who meets those requirements.

Sec. 39. 1. A person who is subject to the provisions of this chapter shall not perform mammography except as authorized in this section and section 36 of this act.

2. A holder a license may perform mammography if he or she is certified in mammography by the American Registry of Radiologic Technologists or its successor organization.

3. A holder of a license who does not meet the requirements of subsection 2 may perform mammography under the personal supervision of a physician or a holder of a license who meets those requirements if he or she:

(a) Is performing mammography to qualify for certification in mammography by the American Registry of Radiologic Technologists or its successor organization; and

(b) Has registered with the Division.

4. As used in this section, "personal supervision" means supervision where the person providing supervision is present in the room with the person being supervised.

Sec. 40. 1. Any authorized representative of the Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of this chapter or the regulations adopted pursuant thereto, and the owner, occupant or person in charge of such property shall permit such entry and inspection.

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection shall not be disclosed or opened to public inspection except as otherwise provided in NRS 239.0115 or as may be necessary for the performance of the functions of the State Board of Health.

Sec. 41. 1. The Division may deny, suspend, revoke or refuse to renew a license or limited license issued pursuant to the provisions of this chapter, impose limitations on the practice of a holder of such a license or limited license or impose a civil penalty of up to \$1,000 per violation if a person:

(a) Obtains a license or limited license through fraud, misrepresentation or concealment of material facts;

(b) Engages in unprofessional conduct, as defined by the regulations adopted pursuant to section 29 of this act;

(c) Is convicted of a crime involving moral turpitude, as defined by the regulations adopted pursuant to section 29 of this act, or any crime which indicates that the person is unfit to engage in radiologic imaging or radiation therapy;

(d) Violates any provision of this chapter or any regulations adopted pursuant thereto;

(e) Is guilty of malpractice, gross negligence or incompetence while engaging in radiation therapy or radiologic imaging;

(f) Engages in conduct that could result in harm to a member of the public;
or

(g) Has disciplinary action imposed in another jurisdiction against a license or certificate that is equivalent to a license or limited license issued pursuant to this chapter.

2. At least 2 years after the date of a revocation of a license, application may be made to the Division for reinstatement. The Division has complete discretion to accept or reject an application for reinstatement.

Sec. 42. 1. The Division may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who engages in radiation therapy or radiologic imaging. A complaint may be filed anonymously. If a complaint is filed anonymously, the Division may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. The Division shall retain all complaints received by the Division pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon by the Division.

2. The Division shall, before initiating proceedings to deny, suspend, revoke or refuse to renew a license or limited license or impose disciplinary action, notify the accused person in writing of any charges made. The notice may be served by delivery of the notice personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Division.

3. In any proceeding under the provisions of this chapter for the denial, suspension, revocation or refusal to renew a license or limited license or the imposition of disciplinary action pursuant to section 41 of this act, the Division shall afford an opportunity for a hearing on the record upon the request of the person against whom such actions may be taken. The Division may compel the attendance of witnesses or the production of documents or objects by subpoena.

4. The Division shall render a written decision at the conclusion of every hearing, and the record and decision in every hearing must be available for inspection by any interested person.

5. The Division may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to the provisions of this chapter.

6. Any disciplinary action taken by a hearing officer or panel pursuant to subsection 5 is subject to the same procedural requirements which apply to disciplinary actions taken by the Division pursuant to subsection 4, and the officer or panel has those powers and duties given to the Division in relation thereto.

7. A decision of the hearing officer or panel denying, suspending, revoking or refusing to renew a license or limited license or imposing disciplinary

action pursuant to section 41 of this act is a final decision for the purposes of judicial review.

Sec. 43. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license or limited license, the Division shall deem the license or limited license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license or limited license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or limited license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license or limited license that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or limited license was suspended stating that the person whose license or limited license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 44. 1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution under the provisions of subsection 3.

3. A person who violates any provision of this chapter is guilty of a misdemeanor.

Sec. 45. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS or sections 11 to 44, inclusive, of this act in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the

corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 46. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, music therapist, holder of a license or limited license issued pursuant to sections 11 to 44, inclusive, of this act, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(m) Any person who operates or is employed by a peer support recovery organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer support recovery organization" has the meaning ascribed to it in NRS 449.01563.

Sec. 47. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as authorized by this section, a chiropractor's assistant shall not engage in radiologic imaging or radiation therapy.

2. A chiropractor's assistant may perform radiography only:

(a) Within the practice of chiropractic; and

(b) Except as otherwise provided in subsection 3, if he or she has successfully completed the training prescribed by the Board pursuant to subsection 4.

3. A chiropractor's assistant who has not successfully completed the training prescribed by the Board pursuant to subsection 4 may perform radiography under the direct supervision of a chiropractor as part of such training.

4. The Board shall adopt regulations prescribing training that a chiropractor's assistant must receive before performing radiography.

5. As used in this section:

(a) "Radiation therapy" has the meaning ascribed to it in section 21 of this act.

(b) "Radiography" has the meaning ascribed to it in NRS 457.182.

(c) "Radiologic imaging" has the meaning ascribed to it in section 23 of this act.

Sec. 48. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a ~~technologist in radiology or nuclear medicine~~, person licensed pursuant to section 31 of this act under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➔ and shall be punished as provided in NRS 193.130.

3. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

4. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

5. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

6. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

Sec. 49. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means ~~the~~ :

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS ~~44~~ ; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 50. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means ~~the~~ :

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS ~~the~~ ; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 51. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ~~the~~ or sections 11 to 44, inclusive, of this act;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

- (1) Private vehicles;
- (2) Commercial vehicles;
- (3) Liability insurance; and
- (4) Insurance for property damage;
- (d) Workers' compensation insurance; and
- (e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;
- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
- (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
- (i) Expenses for adjustment of losses, including allocated and unallocated losses;
- (j) Net underwriting gain or loss;
- (k) Net operation gain or loss, including net investment income; and
- (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 52. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;
- (d) Variable and fixed annuities;
- (e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ~~63~~ or sections 11 to 44, inclusive, of this act;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 53. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or sections 11 to 44, inclusive, of this act for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name and address of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or sections 11 to 44, inclusive, of this act who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name and address, the name and address of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 54. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS, or sections 11 to 44, inclusive, of this act, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 55. Section 33 of this act is hereby amended to read as follows:

Sec. 33. 1. In addition to any other requirements set forth in this chapter ~~for~~

~~— (a) An applicant for the issuance of a license or limited license shall include the social security number of the applicant in the application submitted to the Division.~~

~~— (b) An~~ an applicant for the issuance or renewal of a license or limited license shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license or a limited license may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by

the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 56. As soon as practicable after the effective date of this act, the Governor shall appoint to the Radiologic Imaging and Radiation Therapy Advisory Committee created by section 28 of this act:

1. One member pursuant to paragraph (g) of subsection 2 of section 28 of this act to an initial term commencing on July 1, 2017, and expiring on June 30, 2018.

2. One member each pursuant to paragraphs (d), (e) and (f) of subsection 2 of section 28 of this act to initial terms commencing on July 1, 2017, and expiring on June 30, 2019.

3. One member each pursuant to paragraphs (a), (b) and (c) of subsection 2 of section 28 of this act to initial terms commencing on July 1, 2017, and expiring on June 30, 2020.

Sec. 57. NRS 457.1833, 457.1837 and 457.1853 are hereby repealed.

~~{Sec. 10.}~~ Sec. 58. 1. This section and section 56 of this act become effective upon passage and approval.

2. Sections 1 to 54, inclusive, and 57 of this act ~~{becomes}~~ become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

3. Section 55 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children.
~~↪ are repealed by the Congress of the United States.~~

4. Sections 43 and 55 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children.
~~↪ are repealed by the Congress of the United States.~~

TEXT OF REPEALED SECTIONS

457.1833 Payment of child support: Statement by applicant for certificate of authorization; grounds for denial of certificate of authorization; duty of Division.

1. An applicant for the issuance or renewal of a certificate of authorization to operate a radiation machine for mammography shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate of authorization to operate a radiation machine for mammography may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

457.1837 Suspension of certificate of authorization for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate of authority.

1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of authorization to operate a radiation machine for mammography, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate of authorization to operate a radiation machine for mammography that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person

whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

457.1853 Application for renewal of certificate: Information concerning state business registration required; conditions which require denial.

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate of authorization to operate a radiation machine for mammography must indicate in the application submitted to the Division whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A certificate of authorization to operate a radiation machine for mammography may not be renewed by the Division if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 155 revises the provisions of Senate Bill No. 219 to apply specifically to tanning equipment operated in tanning establishments. In addition, the amendment establishes the Radiologic Imaging and Radiation Therapy Advisory Committee; requires certain persons to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services before engaging in radiation therapy or radiologic imaging on humans, and authorizes the Division to issue licenses, conduct inspections and impose disciplinary actions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 500.

SUMMARY—Revises provisions relating to the dismissal of a probationary employee of a school district. (BDR 34-582)

AN ACT relating to school personnel; revising provisions relating to the dismissal of a probationary employee of a school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "probationary employee," for provisions relating to educational personnel, as a licensed administrator or teacher who is employed by a school district on a contract basis for a specified period and who has no right to employment after the specified period. (NRS 391.650) Existing law makes the board of trustees of a school district the employing authority for all licensed employees of the district and only the board is authorized to dismiss a licensed employee. (NRS 391.100) If a probationary employee receives notice that he or she will be dismissed before the end of the current school year, existing law authorizes the employee to request an expedited arbitration hearing before dismissal. (NRS 391.820)

Sections 4-6 of this bill provide additional procedures for the dismissal of a probationary employee of a school district. Section 4 requires the superintendent of a school district to provide certain written notice to a probationary employee not less than 15 business days before the superintendent intends to file a recommendation to dismiss the employee with the board of trustees of the school district. Section 4 also authorizes a probationary employee to request an expedited, nonbinding arbitration hearing before a recommendation to dismiss is filed by the superintendent with the board of trustees. Section 5 of this bill provides certain procedures for such an expedited hearing and requires an arbitrator in such a hearing to consider ~~[exclusively]~~ whether the dismissal of the probationary employee would violate ~~[any common law or statutory provisions relating to the dismissal of the probationary employee.]~~ the legal rights of the probationary employee provided by federal or state law or the dismissal would be arbitrary or capricious. Section 5 further requires the superintendent to either: (1) file the written report of the arbitrator and a recommendation to dismiss the probationary employee with the board of trustees; or (2) provide written notice to the employee that dismissal will not be recommended to the board of trustees. If the superintendent files a recommendation to dismiss the employee, section 6 requires the board of trustees to determine whether to accept this recommendation at its next regularly scheduled meeting and provide written notice of its decision to the probationary employee. Finally, section 6 provides that the decision of the board of trustees relating to dismissal of the probationary employee is final and not subject to judicial review or appeal.

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

Section 1. NRS 388A.533 is hereby amended to read as follows:

388A.533 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.650 to 391.830, inclusive, *and*

sections 4, 5 and 6 of this act, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 2. NRS 388B.410 is hereby amended to read as follows:

388B.410 1. All employees of an achievement charter school shall be deemed public employees and are not employees of the Department.

2. Except as otherwise provided in a collective bargaining agreement entered into by the governing body of an achievement charter school pursuant to chapter 288 of NRS, the principal of an achievement charter school may make:

(a) All decisions concerning the terms and conditions of employment with the achievement charter school and any other matter relating to employment with the achievement charter school; and

(b) All employment decisions with regard to the employees of the achievement charter school pursuant to NRS 391.650 to 391.830, inclusive ~~and~~, and sections 4, 5 and 6 of this act.

3. Upon the request of the governing body of an achievement charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the achievement charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. 1. *If the superintendent intends to recommend the dismissal of a probationary employee to the board before the end of a contract year, the superintendent must provide written notice to the employee, by registered or certified mail, not less than 15 business days before making the recommendation to the board.*

2. *The written notice required pursuant to subsection 1 must:*

(a) *Include a statement of the reasons for the recommendation to dismiss the probationary employee;*

(b) *Inform the probationary employee that he or she may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor*

organization, by filing a written request with the superintendent not later than 10 business days after receiving notice from the superintendent pursuant to subsection 1; and

(c) Include notice of the laws which govern the employment of a probationary employee of a school district which are contained in this chapter.

3. If a written request for an expedited hearing is not filed by the probationary employee pursuant to subsection 2, the superintendent may recommend the dismissal of the probationary employee to the board.

Sec. 5. 1. If a timely request for an expedited hearing is made pursuant to section 4 of this act, the superintendent must not take any further action relating to the recommendation to dismiss the probationary employee until the written report from the arbitrator is filed with the superintendent and the probationary employee pursuant to subsection 2.

2. An arbitrator shall hold an expedited hearing and file a written report with the superintendent and the probationary employee who requested the hearing pursuant to section 4 of this act in the manner prescribed by the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. The only ~~issue~~ issues the arbitrator may consider ~~is~~ are whether the dismissal of the probationary employee would: ~~violate any common law or statutory provisions relating to the dismissal of the probationary employee.~~

(a) Violate the legal rights of the probationary employee provided by federal law or the laws of this State; or

(b) Be arbitrary or capricious.

3. At the expedited hearing, the superintendent must provide evidence of at least one reason to recommend the dismissal of the probationary employee, which must include, without limitation, at least one reason provided in the written notice required pursuant to paragraph (a) of subsection 2 of section 4 of this act. To rebut such evidence, the probationary employee must prove that each reason:

(a) Violates the legal rights of the probationary employee provided by federal law or the laws of this State; or

(b) Is arbitrary or capricious.

4. The written report filed by the arbitrator pursuant to subsection 2 is not binding upon the superintendent or the board.

~~4.4~~ 5. The provisions of NRS 38.206 to 38.248, inclusive, do not apply to an expedited hearing, the written report of an arbitrator or any other portion of an arbitration conducted pursuant to this section.

~~5.1~~ 6. Not later than 5 business days after the superintendent receives the written report from the arbitrator pursuant to subsection 2, the superintendent shall:

(a) If the superintendent intends to recommend the dismissal of the probationary employee, file with the board the report and a written recommendation to dismiss, and provide to the employee, by registered or certified mail, written notice of the filing of the recommendation and the date,

time and location of the next regularly scheduled meeting of the board at which the recommendation to dismiss the employee will be considered; or

(b) If the superintendent does not intend to recommend the dismissal of the probationary employee, provide to the employee, by registered or certified mail, written notice that dismissal of the employee will not be recommended to the board and that no further action will be taken against the employee.

Sec. 6. 1. *If the superintendent files with the board a written recommendation to dismiss a probationary employee pursuant to section 4 or 5 of this act, the board shall determine whether to accept the recommendation at the next regularly scheduled meeting of the board and provide to the employee, by registered or certified mail, written notice of its decision not later than 5 business days after the meeting.*

2. *The decision of the board relating to the dismissal of a probationary employee is final and binding and is not subject to judicial review or appeal.*

Sec. 7. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.830, inclusive, *and sections 4, 5 and 6 of this act*, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.830, inclusive, *and sections 4, 5 and 6 of this act* is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 8. NRS 391.660 is hereby amended to read as follows:

391.660 Excluding the provisions of NRS 391.730, 391.825 and 391.830, the provisions of NRS 391.650 to 391.830, inclusive, *and sections 4, 5 and 6 of this act* do not apply to a teacher or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee.

Sec. 9. NRS 391.755 is hereby amended to read as follows:

391.755 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.750, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.760, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➡ The admonition must include a description of the deficiencies of the ~~teacher~~ employee and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if ~~this or her employment will be terminated pursuant to NRS 391.820.~~ *the administrator has been informed by the superintendent that the superintendent intends to recommend the dismissal of the employee to the board in the manner set forth in sections 4, 5 and 6 of this act.*

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.650 to 391.830,

inclusive, *and sections 4, 5 and 6 of this act* without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p), (s) and (t) of subsection 1 of NRS 391.750.

Sec. 10. NRS 391.820 is hereby amended to read as follows:

391.820 Except as otherwise provided in NRS 391.825:

1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing during the first, second and third school years of the employee's probationary period whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Such notice must be provided:

(a) On or before May 1; or

(b) On or before May 15 of an odd-numbered year so long as the board notifies the employee of the extension by April 1.

3. Failure of the board to notify the probationary employee in writing on or before May 1 or May 15, as applicable, in the first or second year of the probationary period does not entitle the employee to postprobationary status.

4. The employee must advise the board in writing during the first, second or third year of the employee's probationary period of the employee's acceptance of reemployment. Such notice must be provided:

(a) On or before May 10 if the board provided its notice on or before May 1; or

(b) On or before May 25 if the board provided a notice of an extension pursuant to paragraph (b) of subsection 2.

5. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

6. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

↪ is entitled to be a postprobationary employee in the ensuing year of employment.

7. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

8. A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

↪ the board of trustees of the school district shall, on or before May 1 or May 15, as applicable, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

9. An administrator who has completed his or her probationary period pursuant to subsection 8 and is thereafter promoted to the position of principal must serve an additional probationary period of 2 years in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 8, the administrator must serve the remainder of his or her probationary period pursuant to subsection 8 or an additional probationary period of 2 years in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1 or May 15, as applicable, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

~~{10. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor~~

~~Arbitration Procedures established by the American Arbitration Association or its successor organization.]~~

Sec. 11. This act does not apply to a probationary employee who, before July 1, 2017, received notice pursuant to subsection 10 of NRS 391.820, as that section existed before July 1, 2017, that the superintendent of the school district intends to recommend the dismissal of the employee to the board of trustees of the school district.

Sec. 12. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 500 to Senate Bill No. 273 clarifies that the issues an arbitrator may consider include whether the dismissal of the employee is arbitrary and capricious or would violate his or her rights under State or federal law.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 286.

Bill read second time.

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

Amendment No. 378.

SUMMARY—Revises provisions governing the regulation of applied behavior analysis. (BDR 39-633)

AN ACT relating to applied behavior analysis; creating the Board of Applied Behavior Analysis; transferring the responsibility for the regulation of applied behavior analysis from the Board of Psychological Examiners to the Board of Applied Behavior Analysis; requiring the Aging and Disability Services Division of the Department of Health and Human Services, ~~to~~ to enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis; replacing the term "autism behavior interventionist" with the term "behavior technician"; requiring a behavior technician to obtain registration from the Division; revising the composition of the Board ~~of~~ of Psychological Examiners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "autism behavior interventionist" to mean a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of certain professionals. (NRS 641.0204) Sections 5.3, 48 and 77 of this bill: (1) replace that term with the term "behavior technician"; (2) remove the requirement that such a person be registered as a Registered Behavior Technician; and (3) instead require a behavior technician to be registered by the Division.

__Under existing law, the Board of Psychological Examiners regulates the practice of applied behavior analysis and licenses behavior analysts and

assistant behavior analysts. (NRS 641.100, 641.170) ~~[This bill transfers those responsibilities to the Aging and Disability Services Division of the Department of Health and Human Services.]~~ Section 13.3 of this bill creates the Board of Applied Behavior Analysis. Section 13.7 of this bill prescribes the compensation of the Board. Sections 14 and 17 of this bill authorize the Board to adopt regulations governing: (1) the licensing of behavior analysts and assistant behavior analysts; (2) the registration of behavior technicians; and (3) the practice of applied behavior analysis. Sections ~~[13-18]~~ 13, 15, 16 and 18 of this bill prescribe the duties of the Aging and Disability Services Division of the Department of Health and Human Services to keep certain records and ~~[regulate, license and discipline behavior analysts and assistant behavior analysts. Section 16 also requires the Division to deposit money received from fees and penalties in the State General Fund.]~~ enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis. Section 16 of this bill authorizes the Division to prescribe fees for the licensing of behavior analysts and assistant behavior analysts and the registration of behavior technicians. Section 19 of this bill exempts an employee or agent of the Division from liability for actions taken in good faith in the performance of the duties of the Division. Sections 20-27 of this bill prescribe the requirements to obtain or renew a license as a behavior analyst or assistant behavior analyst ~~[. Section 28 of this bill prescribes the required fees for the issuance or renewal of such a license.]~~ or registration as a behavior technician.

Section 29 of this bill prescribes the grounds for disciplinary action against a behavior analyst, ~~[or an]~~ assistant behavior analyst ~~[.]~~ or behavior technician, and section 30 of this bill requires the ~~[Division]~~ Board to prescribe additional grounds for such disciplinary action by regulation. Section 31 of this bill establishes the disciplinary action that the Division may impose against a behavior analyst, ~~[or]~~ assistant behavior analyst ~~[.]~~ or behavior technician. Sections 33-38 and 41-43 of this bill prescribe procedures relating to the filing of a complaint and conducting an investigation and disciplinary hearing. Sections 39 and 40 of this bill authorize the Division to require a behavioral analyst, ~~[or]~~ assistant behavior analyst or behavior technician to take an examination to demonstrate his or her competence. Sections 44 and 45 of this bill authorize the Division or the Attorney General to maintain an action to enjoin certain unprofessional conduct or the practice of applied behavior analysis without the required license or credential. Section 46 of this bill grants immunity from liability to any person who initiates a complaint or assists in an investigation or the discipline of a behavior analyst, ~~[or]~~ assistant behavior analyst or behavior technician without malicious intent. Section 47 of this bill authorizes a behavior analyst, ~~[or]~~ assistant behavior analyst or behavior technician to apply to the Division for the removal of certain administrative sanctions against his or her license. Sections 48-50 of this bill prohibit the practice of applied behavior analysis without the proper license, credentials or supervision and certain other acts. Section 50 makes the fraudulent practice of

applied behavior analysis or ~~the~~ practice ~~of applied~~ as a behavior ~~analysis~~ analyst, assistant behavior analyst or behavior technician without the proper license or credential a gross misdemeanor.

The Board of Psychological Examiners currently consists of seven members appointed by the Governor. One of the members of the Board is a licensed behavior analyst. (NRS 641.030, 641.040) Sections 58, 59 and 74 of this bill remove that member from the Board and reduce the size of the Board to six members. Sections 56, 57 and 60-66 of this bill remove references to applied behavior analysis from the provisions of statute administered by the Board, and sections 53 and 67-71 of this bill make conforming changes.

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

Section 1. Title 39 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst by the Division.

Sec. 4. ~~["Autism behavior interventionist" means a person who holds a current credential as a Registered Behavior Technician, or an equivalent credential, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and provides behavioral therapy under the supervision of:~~

- ~~1. A licensed psychologist;~~
- ~~2. A licensed behavior analyst; or~~
- ~~3. A licensed assistant behavior analyst.] (Deleted by amendment.)~~

Sec. 5. "Behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Division.

Sec. 5.3. "Behavior technician" means a person who is registered as such by the Division and provides behavioral therapy under the supervision of:

1. A licensed psychologist;
2. A licensed behavior analyst; or
3. A licensed assistant behavior analyst.

Sec. 5.8. "Board" means the Board of Applied Behavior Analysis created by section 13.3 of this act.

Sec. 6. "Community" means the entire area customarily served by behavior analysts and assistant behavior analysts among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of an individual behavior analyst ~~, for~~ assistant behavior analyst ~~, behavior~~

technician or the particular city or place where the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician has his or her office.

Sec. 7. "Division" means the Aging and Disability Services Division of the Department of Health and Human Services.

Sec. 8. "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Practicing applied behavior analysis with a patient while the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician is under the influence of an alcoholic beverage as defined in NRS 202.015 or any controlled substance;

2. Gross negligence;

3. Willful disregard of established methods and procedures in the practice of applied behavior analysis; or

4. Willful and consistent use of methods and procedures considered by behavior analysts, ~~for~~ assistant behavior analysts ~~for~~ or behavior technicians, as applicable, in the community to be inappropriate or unnecessary in the cases where used.

Sec. 9. "Malpractice" means failure on the part of a behavior analyst, ~~for~~ assistant behavior analyst or behavior technician to exercise the degree of care, diligence and skill ordinarily exercised by behavior analysts, ~~for~~ assistant behavior analysts ~~for~~ or behavior technicians, as applicable, in good standing in the community.

Sec. 10. "Practice of applied behavior analysis" means the design, implementation and evaluation of instructional and environmental modifications ~~fusing behavioral stimuli and consequences~~ based on scientific research and observations of behavior and the environment to produce socially significant improvement in human behavior, including, without limitation, ~~the use of direct observation, measurement and functional analysis of the~~ :

1. The empirical identification of functional relations between environment and behavior ~~for~~ ; and

2. The use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement and other procedures to help a person develop new behaviors, increase or decrease existing behaviors and engage in certain behavior under specific environmental conditions.

↪ The term includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~ technician.

Sec. 11. "Professional incompetence" means lack of ability to practice applied behavior analysis safely and skillfully arising from:

1. Lack of knowledge or training;

2. Impaired physical or mental ability; or

3. Dependence upon an alcoholic beverage as defined in NRS 202.015 or any controlled substance.

Sec. 12. The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
8. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS; or
9. Any member of the clergy,
 ➔ if such a person does not commit an act described in section 50 of this act or represent himself or herself as a behavior analyst, assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~ technician.

Sec. 13. 1. The Division shall make and keep:

(a) A record of all violations and prosecutions under the provisions of this chapter.

(b) ~~A record of all examinations of applicants.~~

~~(c) A register of all licenses.~~

~~(d) and registrations.~~

(c) A register of all holders of licenses ~~and~~ and registrations.

2. These records must be kept in an office of the Division and, except as otherwise provided in this section, are subject to public inspection during normal working hours upon reasonable notice.

3. Except as otherwise provided in NRS 239.0115, the Division may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Division requesting that such documents and information be made public records.

5. The charging documents filed with the Division to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Division when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 13.3. 1. The Board of Applied Behavior Analysis is hereby created.

2. The Governor shall appoint to the Board:

(a) Three voting members who are behavior analysts licensed in this State.

(b) One voting member who is an assistant behavior analyst licensed in this State.

(c) One voting member who is a representative of the general public who is interested in the practice of applied behavior analysis. This member must not be a behavior analyst or assistant behavior analyst, an applicant or a former applicant for licensure as a behavior analyst or assistant behavior analyst, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a behavior analyst or assistant behavior analyst, or a member of a household that includes a behavior analyst or assistant behavior analyst.

3. The Administrator of the Division or his or her designee is an ex officio, nonvoting member of the Board.

4. After the initial term, the Governor shall appoint each member of the Board to a term of 4 years. No member of the Board may serve more than two consecutive terms.

5. The Board shall hold a regular meeting at least once a year. The Board shall hold a special meeting upon a call of the President or upon the request of a majority of the members. A majority of the Board constitutes a quorum.

6. At the regular annual meeting, the Board shall elect from its membership a President and a Secretary-Treasurer, who shall hold office for 1 year and until the election and qualification of their successors.

7. A member of the Board or an employee or agent of the Board is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Board pursuant to the provisions of this chapter.

Sec. 13.7. 1. Each member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Compensation and expenses of the members and employees of the Board are payable out of the money derived from fees paid or transmitted to the Board pursuant to the provisions of this chapter and no part thereof may be paid out of the State Treasury.

Sec. 14. The ~~{Division}~~ Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure or registration of applicants, the granting, refusal, revocation or suspension of licenses or registrations and the practice of applied behavior analysis.

Sec. 15. The Division shall enforce the provisions of this chapter and may, under the provisions of this chapter:

1. Examine and pass upon the qualifications of applicants for licensure ~~and registration.~~
2. License and register qualified applicants.
3. Conduct investigations of licensees and registrants.
4. Revoke or suspend licenses ~~and registrations.~~
5. Collect all fees and make disbursements pursuant to this chapter.

Sec. 16. 1. The Division shall prescribe, by regulation, fees for the issuance, renewal and reinstatement of a license or registration and any other services provided by the Division pursuant to this chapter. The Division shall ensure, to the extent practicable, that the amount of such fees is sufficient to pay the costs incurred by the Board and the Division under the provisions of this chapter, including, without limitation, the compensation of the Board prescribed by section 13.7 of this act, and does not exceed the amount necessary to pay those costs.

2. Money received from licensing behavior analysts and assistant behavior analysts and registering behavior technicians, civil penalties collected pursuant to this chapter and any appropriation, gift, grant or donation received by the Board or the Division for purposes relating to the duties of the Board or the Division under the provisions of this chapter must be ~~forwarded to the State Treasurer for deposit~~ deposited in a separate account in the State General Fund.

~~{ 2. The Division shall enforce the provisions of this chapter and may incur any necessary expenses not in excess of the money appropriated for that purpose by the State or received from the Federal Government. }~~ The account must be administered by the Division. Money in the account must be expended solely for the purposes of this chapter and does not revert to the State General Fund. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money in the account.

Sec. 17. 1. A licensed behavior analyst or assistant behavior analyst or registered behavior technician shall limit his or her practice of applied behavior analysis to his or her areas of competence, as documented by education, training and experience.

2. The ~~{Division}~~ Board shall ~~ensure, by adopting regulations and enforcing the provisions of this chapter,~~ adopt regulations to ensure that licensed behavior analysts, ~~and~~ assistant behavior analysts and registered behavior technicians limit their practice of applied behavior analysis to their areas of competence.

Sec. 18. *In a manner consistent with the provisions of chapter 622A of NRS, the Division may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.*

Sec. 19. *An employee or agent of the Division is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Division pursuant to the provisions of this chapter.*

Sec. 20. 1. *Each person desiring a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician must:*

(a) *Make application to the Division upon a form and in a manner prescribed by the Division. The application must be accompanied by the application fee prescribed by the Division and include all information required to complete the application.*

(b) *As part of the application and at his or her own expense:*

(1) *Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and*

(2) *Submit to the Division:*

(I) *A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Division deems necessary for a report on the applicant's background; or*

(II) *Written verification, on a form prescribed by the Division, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Division deems necessary for a report on the applicant's background.*

2. *The Division may:*

(a) *Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and*

(b) *Request from each agency to which the Division submits the fingerprints any information regarding the applicant's background as the Division deems necessary.*

3. *An application is not considered complete and received for purposes of evaluation pursuant to subsection ~~13~~ 4 of section 21 of this act until the Division receives a complete set of fingerprints or verification that the*

fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 21. 1. Except as otherwise provided in sections 23 and 24 of this act, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:

- (a) ~~Is at least 21 years of age.~~
- ~~(b) Is of good moral character as determined by the Division.~~
- ~~(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds~~
- (c) Holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.
- ~~(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Division.~~
- ~~(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Division.~~

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:

- (a) ~~Is at least 21 years of age.~~
- ~~(b) Is of good moral character as determined by the Division.~~
- ~~(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Division and holds~~
- (c) Holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.
- ~~(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Division.~~
- ~~(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Division.~~

3. Each application for registration as a behavior technician must contain the information required by regulation of the Board.

4. Except as otherwise provided in sections 23 and 24 of this act, within 120 days after receiving an application and the accompanying evidence from an applicant, the Division shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure ~~or~~ or registration; and
- (b) Issue a written statement to the applicant of its determination.

~~44~~ 5. If the Division determines that the qualifications of the applicant are insufficient for licensure ~~or~~ or registration, the written statement issued to the applicant pursuant to subsection ~~4~~ 4 must include a detailed explanation of the reasons for that determination.

Sec. 22. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician shall submit to the Aging and Disability Services Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Aging and Disability Services Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~or~~ or registration; or

(b) A separate form prescribed by the Division.

3. A license as a behavior analyst or assistant behavior analyst or registration as a behavior technician must not be issued or renewed by the Aging and Disability Services Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Aging and Disability Services Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 23. 1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a behavior analyst; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 20 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Division pursuant to ~~section 28 of this act for the issuance of an initial license;~~ the regulations adopted pursuant to section 16 of this act; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➡ whichever occurs later.

Sec. 24. 1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the ~~surviving~~ spouse, widow or widower of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

- (1) Satisfies the requirements of subsection 1;
- (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;
- (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a behavior analyst; and
- (4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
- (b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 20 of this act;
- (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;
- (d) The fee prescribed by the Division pursuant to ~~section 20 of this act for the issuance of an initial license;~~ the regulations adopted pursuant to section 16 of this act; and
- (e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

- (a) Forty-five days after receiving all the additional information required by the Division to complete the application; or
- (b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,
➔ whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice as a behavior analyst in accordance with regulations adopted by the ~~Division~~ Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 25. 1. To renew a license as a behavior analyst or assistant behavior analyst ~~or~~ or registration as a behavior technician, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Division for renewal;
- (b) Pay the biennial fee for the renewal of a license ~~or~~ or registration;
- (c) Submit evidence to the Division of completion of the requirements for continuing education as set forth in regulations adopted by the Division ~~or~~ if applicable; and
- (d) Submit all information required to complete the renewal.

2. The Division shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the ~~the Division~~ Board, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

3. As a prerequisite for the renewal of registration as a behavior technician, the Division may require each holder to receive continuing education.

Sec. 26. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician must indicate in the application submitted to the Division whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license as a behavior analyst or assistant behavior analyst or registration as a behavior technician may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 27. 1. The license of any behavior analyst or assistant behavior analyst or the registration of a behavior technician who fails to pay the biennial fee for the renewal of a license or registration within 60 days after the date it is due is automatically suspended. The Division may, within 2 years after the date the license or registration is so suspended, reinstate the license or registration upon payment to the Division of the amount of the then current biennial fee for the renewal of a license or registration and the amount of the fee for the restoration of a license or registration so suspended. If the license or registration is not reinstated within 2 years, the Division may reinstate the license or registration only if it also determines that the holder of the license or registration is competent to practice as a behavior analyst, ~~for~~ assistant behavior analyst ~~for~~ or behavior technician, as applicable.

2. A notice must be sent to any person who fails to pay the biennial fee, informing the person that his or her license or registration is suspended.

Sec. 28. ~~[1. The Division shall charge and collect not more than the following fees respectively:~~

~~For the issuance of an initial license, including a license by~~	
~~Endorsement.....~~	~~\$25~~
~~For the biennial renewal of a license of a licensed behavior~~	
~~Analyst.....~~	~~400~~
~~For the biennial renewal of a license of a licensed assistant~~	
~~behavior analyst.....~~	~~275~~
~~For the restoration of a license suspended for the nonpayment of~~	
~~the biennial fee for the renewal of a license.....~~	~~100~~

~~2. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.~~

~~3. Except as otherwise provided in subsections 4 and 5 and section 23 of this act, in addition to the fees set forth in subsection 1, the Division may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.~~

~~4. If an applicant submits an application for a license by endorsement pursuant to section 23 of this act, the Division shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license.~~

~~5. If an applicant submits an application for a license by endorsement pursuant to section 24 of this act, the Division shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license.] (Deleted by amendment.)~~

Sec. 29. 1. The Division may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst ~~or~~ or registration as a behavior technician, place the person on probation, require remediation for the person or take any other action specified by regulation if the Division finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of applied behavior analysis.

(b) Been convicted of any crime or offense that reflects the inability of the person to practice applied behavior analysis with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of applied behavior analysis.

(e) Aided or abetted ~~+~~

~~(1) Practice~~ practice as a behavior analyst, ~~or~~ or assistant behavior analyst or behavior technician by a person who is not licensed or registered, as applicable, by the Division. ~~+~~ or

~~(2) Practice as an autism behavior interventionist by a person who does not hold a current credential as a Registered Behavior Technician, or an equivalent credential, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.]~~

(f) Made any fraudulent or untrue statement to the Division.

(g) Violated a regulation adopted by the ~~Division~~ Board.

(h) Had a license, ~~for~~ certificate or registration to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the Division within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, ~~for~~ certificate or registration to practice applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

(k) Performed or attempted to perform any professional service while impaired by alcohol or drugs or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.

Sec. 30. The ~~Division~~ Board shall adopt regulations that establish grounds for disciplinary action for a licensed behavior analyst, ~~for~~ licensed assistant behavior analyst or registered behavior technician in addition to those prescribed by section 29 of this act.

Sec. 31. 1. If the Division or a hearing officer appointed by the Division finds a person guilty in a disciplinary proceeding, the Division may:

(a) Administer a public reprimand.

(b) Limit the person's practice.

(c) Suspend the person's license or registration for a period of not more than 1 year.

(d) Revoke the person's license ~~or~~ or registration.

(e) Impose a fine of not more than \$5,000.

(f) Revoke or suspend the person's license or registration and impose a monetary penalty.

(g) Suspend the enforcement of any penalty by placing the person on probation. The Division may revoke the probation if the person does not follow any conditions imposed.

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Division. The person named in the complaint is responsible for any expense incurred.

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

(j) Require the person to pay for the costs of remediation or restitution.

2. The Division shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 32. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license or registration issued pursuant to this chapter, the Division shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license or registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license or registration issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 33. 1. Service of process made under this chapter must be either upon the person or by registered or certified mail with return receipt requested, addressed to the person upon whom process is to be served at his or her last known address, as indicated on the records of the Division, if possible. If personal service cannot be made and if notice by mail is returned undelivered, the Division shall cause notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the person upon whom process is to be served, or, if no

newspaper is published in that county, then in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the Division.

Sec. 34. 1. The Division or a hearing officer may issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients and any other article related to the practice of applied behavior analysis.

2. If any witness refuses to attend or testify or produce any article as required by the subpoena, the Division may file a petition with the district court stating that:

(a) Due notice has been given for the time and place of attendance of the witness or the production of the required articles;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend or produce the articles required by the subpoena or has refused to answer questions propounded to him or her,

➡ and asking for an order of the court compelling the witness to attend and testify before the Division or a hearing officer, or produce the articles as required by the subpoena.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the articles. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the Division or a hearing officer at the time and place fixed in the order and testify or produce the required articles, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 35. 1. The Division, any review panel of a hospital or an association of behavior analysts, ~~for~~ assistant behavior analysts or behavior technicians which becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing applied behavior analysis in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Division.

2. The Division shall retain all complaints filed with the Division pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 36. When a complaint is filed with the Division, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Division may:

1. Retain the Attorney General to investigate the complaint; and

2. If the Division retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

Sec. 37. 1. The Division shall conduct an investigation of each complaint filed pursuant to section 35 of this act which sets forth reason to believe that a person has violated section 48 of this act.

2. If, after an investigation, the Division determines that a person has violated section 48 of this act, the Division:

(a) May issue and serve on the person an order to cease and desist from engaging in any activity prohibited by section 48 of this act until the person obtains the proper license or registration from the Division; ~~for the proper credential issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, as applicable;~~

(b) May issue a citation to the person; and

(c) Shall provide a written summary of the Division's determination and any information relating to the violation to the Attorney General.

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. Each violation of section 48 of this act constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of section 48 of this act, the Division shall assess an administrative fine of:

(a) For a first violation, \$500.

(b) For a second violation, \$1,000.

(c) For a third or subsequent violation, \$1,500.

5. To appeal a citation issued pursuant to subsection 2, a person must submit a written request for a hearing to the Division within 30 days after the date of issuance of the citation.

Sec. 38. 1. If the Division retains the Attorney General pursuant to section 36 of this act, the Attorney General shall conduct an investigation of a complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license ~~for~~ or registration. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Division in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Division shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Division shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

Sec. 39. Notwithstanding the provisions of chapter 622A of NRS, if the Division has reason to believe that the conduct of any behavior analyst, ~~for~~ assistant behavior analyst or behavior technician has raised a reasonable

question as to competence to practice applied behavior analysis with reasonable skill and safety to patients, the Division may require the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician to take a written or oral examination to determine whether the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician is competent to practice applied behavior analysis. If an examination is required, the reasons therefor must be documented and made available to the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician being examined.

Sec. 40. Notwithstanding the provisions of chapter 622A of NRS, if the Division or a hearing officer issues an order suspending the license of a behavior analyst or assistant behavior analyst or registration of a behavior technician pending proceedings for disciplinary action and requires the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician to submit to an examination of his or her competency to practice applied behavior analysis, the examination must be conducted and the results obtained within 60 days after the Division or hearing officer issues the order.

Sec. 41. Notwithstanding the provisions of chapter 622A of NRS, if the Division receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the Division receives the report.

Sec. 42. Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Division or a hearing officer conducted under the provisions of this chapter:

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct or practice of applied behavior analysis harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician is conclusive evidence of its occurrence.

3. The entering of a plea of nolo contendere in a court of competent jurisdiction shall be deemed a conviction of the offense charged.

Sec. 43. 1. Any person who has been placed on probation or whose license or registration has been limited, suspended or revoked pursuant to this chapter is entitled to judicial review of the order.

2. Every order which limits the practice of applied behavior analysis or suspends or revokes a license or registration is effective from the date the Division certifies the order until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

Sec. 44. Notwithstanding the provisions of chapter 622A of NRS:

1. Pending disciplinary proceedings before the Division or a hearing officer, the court may, upon application by the Division or the Attorney General, issue a temporary restraining order or a preliminary injunction to

enjoin any unprofessional conduct of a behavior analyst, ~~for~~ an assistant behavior analyst or a behavior technician which is harmful to the public, to limit the practice of the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst, ~~for~~ or registration as a behavior technician without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

2. The disciplinary proceedings before the Division or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

Sec. 45. 1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing in violation of section 50 of this act or as ~~for~~

~~(a) As a behavior analyst, ~~for~~ assistant behavior analyst or behavior technician without the proper license or registration from the Division, ~~for~~~~

~~(b) An autism behavior interventionist without the proper credential issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license ~~for proper credential, as applicable,~~ or registration.

Sec. 46. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Division, a review panel of a hospital, an association of behavior analysts, ~~for~~ assistant behavior analysts, or behavior technicians, or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensing of a behavior analyst, ~~for~~ assistant behavior analyst or behavior technician or the discipline of a behavior analyst, ~~for~~ an assistant behavior analyst or a behavior technician for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 47. 1. Any person:

(a) Whose practice of applied behavior analysis has been limited;

(b) Whose license or registration has been revoked; or

(c) Who has been placed on probation,

➔ by an order of the Division or a hearing officer may apply to the Division after 1 year for removal of the limitation or termination of the probation or may apply to the Division pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license ~~for~~ or registration.

2. In hearing the application, the Division:

(a) May require the person to submit such evidence of changed conditions and of fitness as it considers proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 48. A person shall not represent himself or herself as a behavior analyst, assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~ technician within the meaning of this chapter or engage in the practice of applied behavior analysis unless he or she is licensed or ~~credentialed~~ registered as required by the provisions of this chapter.

Sec. 49. 1. A licensed assistant behavior analyst shall not provide or supervise behavioral therapy except under the supervision of:

- (a) A licensed psychologist; or
- (b) A licensed behavior analyst.

2. ~~An autism~~ A behavior ~~interventionist~~ technician shall not provide behavioral therapy except under the supervision of:

- (a) A licensed psychologist;
- (b) A licensed behavior analyst; or
- (c) A licensed assistant behavior analyst.

Sec. 50. Any person who:

1. Presents as his or her own the diploma, license, registration or credentials of another;

2. Gives either false or forged evidence of any kind to the Division in connection with an application for a license ~~or~~ or registration;

3. Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, ~~or~~ assistant behavior analyst or behavior technician of a like or different name;

4. Represents himself or herself as a behavior analyst, ~~or~~ assistant behavior analyst ~~or~~ or behavior technician, or uses any title or description which indicates or implies that he or she is a behavior analyst, ~~or~~ assistant behavior analyst ~~or~~ or behavior technician, unless he or she has been issued a license;

5. Practices as an applied behavior analyst, ~~or~~ assistant behavior analyst or behavior technician unless he or she has been issued a license or registration, as applicable, or

~~6. Represents himself or herself as an autism behavior interventionist, or uses any title or description which indicates or implies that he or she is an autism behavior interventionist, unless he or she holds a current credential as a Registered Behavior Technician, or an equivalent credential, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization; or~~

~~7. Practices as an autism behavior interventionist unless he or she holds a current credential as a Registered Behavior Technician, or an equivalent credential, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization;~~

↪ is guilty of a gross misdemeanor.

Sec. 51. NRS 228.420 is hereby amended to read as follows:

228.420 1. The Attorney General has primary jurisdiction to investigate and prosecute any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

2. For this purpose, the Attorney General shall establish within his or her office a Fraud Control Unit for Industrial Insurance. The Unit must consist of such persons as are necessary to carry out the duties set forth in this section, including, without limitation, an attorney, an auditor and an investigator.

3. The Attorney General, acting through the Unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(b) Shall cooperate with the Division of Industrial Relations of the Department of Business and Industry, self-insured employers, associations of self-insured public or private employers, private carriers and other state and federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(c) Shall protect the privacy of persons who are eligible to receive compensation pursuant to the provisions of chapter 616A, 616B, 616C, 616D or 617 of NRS and establish procedures to prevent the misuse of information obtained in carrying out this section; and

(d) May, upon request, inspect the records of any self-insured employer, association of self-insured public or private employers, or private carrier, the Division of Industrial Relations of the Department of Business and Industry and the State Contractors' Board to investigate any alleged violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

4. When acting pursuant to this section or NRS 228.175 or 228.410, the Attorney General may commence an investigation and file a criminal action without leave of court, and has exclusive charge of the conduct of the prosecution.

5. The Attorney General shall report the name of any person who has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, to the occupational board *or other entity* that issued the person's license or certificate to provide medical care, remedial care or other services in this State.

6. The Attorney General shall establish a toll-free telephone number for persons to report information regarding alleged violations of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

7. As used in this section:

(a) "Association of self-insured private employers" has the meaning ascribed to it in NRS 616A.050.

(b) "Association of self-insured public employers" has the meaning ascribed to it in NRS 616A.055.

(c) "Private carrier" has the meaning ascribed to it in NRS 616A.290.

(d) "Self-insured employer" has the meaning ascribed to it in NRS 616A.305.

Sec. 52. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290,

378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 $\frac{1}{2}$ and section 13 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the

rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 53. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➡ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~—(1) A licensed psychologist;~~
~~—(2) A licensed behavior analyst; or~~
~~—(3) A licensed assistant behavior analyst. *has the meaning ascribed to it in section 4 of this act.*~~

~~—(c)}~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Development Disorder Not Otherwise Specified.

(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of this act.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~[autism] behavior [interventionist]~~ technician.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[Board of Psychological Examiners]~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Behavior Analyst ~~[or a Board Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.]~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 54. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(4) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4; and

(5) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall administer the provisions of chapters 435 and 656A of NRS ~~1-3~~ *and sections 2 to 50, inclusive, of this act.*

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 55. NRS 622A.090 is hereby amended to read as follows:

622A.090 1. "Regulatory body" means:

(a) Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title; ~~and~~

(b) Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~1-3~~; *and*

(c) *The Aging and Disability Services Division of the Department of Health and Human Services acting pursuant to sections 2 to 50, inclusive, of this act.*

2. The term does not include any regulatory body which is exempted from the provisions of this chapter pursuant to NRS 622A.120, unless the regulatory body makes an election pursuant to that section to follow the provisions of this chapter.

Sec. 56. NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[641.0202]~~ 641.021 to 641.027, inclusive, ~~and 689A.0435]~~ have the meanings ascribed to them in those sections.

Sec. 57. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS; ~~for]~~

8. *A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a behavior technician pursuant to sections 2 to 50, inclusive, of this act, ~~for an autism behavior interventionist who holds a current credential as a Registered Behavior Technician, or an equivalent credential, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization,~~ while engaged in the practice of applied behavior analysis as defined in section 10 of this act; or*

9. Any member of the clergy,
 ➔ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 58. NRS 641.030 is hereby amended to read as follows:

641.030 The Board of Psychological Examiners, consisting of ~~[seven]~~ six members appointed by the Governor, is hereby created.

Sec. 59. NRS 641.040 is hereby amended to read as follows:

641.040 1. The Governor shall appoint to the Board:

(a) Four members who are licensed psychologists in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed.

~~(b) [One member who is a licensed behavior analyst in the State of Nevada.~~
~~(c)]~~ One member who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

~~[(d)]~~ (c) One member who is a representative of the general public.

2. A person is not eligible for appointment unless he or she is:

- (a) A citizen of the United States; and
- (b) A resident of the State of Nevada.

3. The member who is a representative of the general public must not be a psychologist, an applicant or a former applicant for licensure as a psychologist, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a psychologist, or a member of a household that includes a psychologist.

4. Board members must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as members of the Board.

Sec. 60. NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses ~~and the practice of psychology . and the practice of applied behavior analysis.~~

Sec. 61. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1,

submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection ~~4~~ 2 of NRS 641.170 until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 62. NRS 641.170 is hereby amended to read as follows:

641.170 1. Except as otherwise provided in NRS 641.195 and 641.196, each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 21 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.
- (d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~Except as otherwise provided in NRS 641.195 and 641.196, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:~~

- ~~—(a) Is at least 21 years of age.~~
- ~~—(b) Is of good moral character as determined by the Board.~~
- ~~—(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~
- ~~—(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board-Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~
- ~~—(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.~~
- ~~—(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.~~

~~3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:~~

- ~~—(a) Is at least 21 years of age.~~

- ~~—(b) Is of good moral character as determined by the Board.~~
- ~~—(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~
- ~~—(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~
- ~~—(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.~~
- ~~—(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.~~

~~—4.}~~ Except as otherwise provided in NRS 641.195 and 641.196, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and
- (b) Issue a written statement to the applicant of its determination.

~~{5.}~~ 3. The written statement issued to the applicant pursuant to subsection ~~{4}~~ 2 must include:

- (a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.
- (b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 63. NRS 641.195 is hereby amended to read as follows:

641.195 1. The Board may issue a license by endorsement as a psychologist ~~for behavior analyst~~ to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist ~~for behavior analyst, as applicable,~~ in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;
 - (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a psychologist ; ~~or behavior analyst, as applicable;~~ and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist ~~for behavior analyst~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist ~~for behavior analyst, as applicable,~~ to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ➔ whichever occurs later.

4. A license by endorsement as a psychologist ~~for behavior analyst~~ may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 64. NRS 641.196 is hereby amended to read as follows:

641.196 1. The Board may issue a license by endorsement as a psychologist ~~for behavior analyst~~ to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a psychologist ~~for behavior analyst, as applicable,~~ in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist ; ~~for behavior analyst, as applicable,~~ and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist ~~for behavior analyst~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist ~~for behavior analyst, as applicable,~~ to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➔ whichever occurs later.

4. A license by endorsement as a psychologist ~~for behavior analyst~~ may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist ~~for behavior analyst, as applicable,~~ in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 65. NRS 641.228 is hereby amended to read as follows:

641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination.....	\$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination.....	100
For the issuance of an initial license, including a license by endorsement.....	25
For the biennial renewal of a license of a psychologist.....	500
~~For the biennial renewal of a license of a licensed behavior analyst.....~~	~~400~~
~~For the biennial renewal of a license of a licensed assistant behavior analyst.....~~	~~275~~

For the restoration of a license suspended for the nonpayment of
the biennial fee for the renewal of a license.....\$100
For the registration of a firm, partnership or corporation which
Engages in or offers to engage in the practice of psychology...300
For the registration of a nonresident to practice as a consultant.....100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. ~~{An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.~~

~~—4.~~ Except as otherwise provided in subsections ~~{5}~~ 4 and ~~{6}~~ 5 and NRS 641.195, in addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

~~{5.}~~ 4. If an applicant submits an application for a license by endorsement pursuant to NRS 641.195, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license.

~~{6.}~~ 5. If an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 66. NRS 641.230 is hereby amended to read as follows:

641.230 1. The Board may suspend or revoke a person's license as a psychologist, ~~{behavior analyst or assistant behavior analyst,}~~ place the person on probation, require remediation for the person or take any other action specified by regulation if the Board finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of psychology . ~~for the practice of applied behavior analysis.~~

(b) Been convicted of any crime or offense that reflects the inability of the person to practice psychology ~~{for applied behavior analysis}~~ with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology . ~~for the practice of applied behavior analysis.~~

(e) Aided or abetted the practice of psychology by a person not licensed by the Board.

(f) Made any fraudulent or untrue statement to the Board.

(g) Violated a regulation adopted by the Board.

(h) Had a license to practice psychology ~~for a license or certificate to practice applied behavior analysis~~ suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology ~~for applied behavior analysis~~ issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

(k) Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.

Sec. 67. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➤ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~

~~— (3) A licensed assistant behavior analyst. has the meaning ascribed to it in section 4 of this act.~~

~~— (c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of this act.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~ technician.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for a Board Certified Assistant Behavior Analyst~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and ~~who~~ is licensed as a behavior analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services*.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be

developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 68. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" ~~means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~

~~— (3) A licensed assistant behavior analyst. has the meaning ascribed to it in section 4 of this act.~~

~~— (c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of this act.~~

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~ technician.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified

Behavior Analyst ~~[or a Board-Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.]~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 69. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➡ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

~~(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~

~~— (3) A licensed assistant behavior analyst. has the meaning ascribed to it in section 4 of this act.~~

~~(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of this act.~~

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~ technician.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for a Board Certified Assistant Behavior Analyst~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~who~~ is licensed as a behavior analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services*.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 70. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↪ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~["Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

- ~~— (1) A licensed psychologist;~~
- ~~— (2) A licensed behavior analyst; or~~
- ~~— (3) A licensed assistant behavior analyst. *has the meaning ascribed to it in section 4 of this act.*~~

~~—(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of this act.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~["autism] behavior [interventionist],~~ technician.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[Board of Psychological Examiners]~~ Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Behavior Analyst ~~[or a Board Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.]~~ Aging and Disability Services Division of the Department of Health and Human Services.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 71. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as otherwise provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or

rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➔ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

~~(b) ["Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~

~~— (3) A licensed assistant behavior analyst. *has the meaning ascribed to it in section 4 of this act.*~~

~~— (c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~*(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of this act.*~~

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~autism] behavior [interventionist.] technician.~~

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for a Board Certified Assistant Behavior Analyst~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~who~~ is licensed as a behavior analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services*.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 72. Section 25 of this act is hereby amended to read as follows:

Sec. 25. 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Division for renewal;
- (b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Division of completion of the requirements for continuing education as set forth in regulations adopted by the Division, if applicable; and

(d) Submit all information required to complete the renewal.

2. The Division shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board . ~~[, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence based suicide prevention and awareness.]~~

3. As a prerequisite for the renewal of registration as a behavior technician, the Division may require each holder to receive continuing education.

Sec. 73. Notwithstanding the amendatory provisions of this act:

1. Any disciplinary or other administrative action taken against a behavior analyst or assistant behavior analyst by the Board of Psychological Examiners remains in effect as if taken by the Aging and Disability Services Division of the Department of Health and Human Services.

2. A license that is valid on ~~[July 1, 2017,]~~ January 1, 2019, and that was issued by the Board of Psychological Examiners:

(a) Shall be deemed to be issued by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after ~~[July 1, 2017,]~~ January 1, 2019.

Sec. 74. 1. The term of the member of the Board of Psychological Examiners appointed to the Board pursuant to paragraph (b) of subsection 1 of NRS 641.040 who is incumbent on ~~[June 30, 2017,]~~ December 31, 2018, expires on that date.

2. As soon as practicable on or after January 1, 2019, the Governor shall appoint to the Board of Applied Behavior Analysis created by section 13.3 of this act:

(a) One member described in paragraph (a) of subsection 2 of section 13.3 of this act and the member described in paragraph (b) of that subsection to terms that expire on January 1, 2021; and

(b) Two members described in paragraph (a) of subsection 2 of section 13.3 of this act and the member described in paragraph (c) of that subsection to terms that expire on January 1, 2023.

Sec. 75. 1. Notwithstanding the amendatory provisions of sections 14, 17, 21, 24, 25, 29, 30, 60, 62 and 64 of this act transferring authority to adopt regulations from the Board of Psychological Examiners to the ~~[Aging and Disability Services Division of the Department of Health and Human Services,]~~ Board of Applied Behavior Analysis created by section 13.3 of this act, any regulations adopted by the Board of Psychological Examiners that do not conflict with the provisions of this act remain in effect and may be enforced

by the Aging and Disability Services Division of the Department of Health and Human Services until the ~~[Division]~~ Board of Applied Behavior Analysis adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Psychological Examiners that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after ~~July 1, 2017,~~ January 1, 2019.

Sec. 76. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 77. NRS 641.0202, 641.0204, 641.0206, 641.0247, 641.232 and 641.395 are hereby repealed.

Sec. 78. 1. This section and section 74 of this act become effective upon passage and approval.

2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act become effective on ~~July 1, 2017,~~ January 1, 2019.

3. Section 72 of this act becomes effective on July 1, 2026.

4. Sections 22 and 32 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ➔ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

641.0202 "Assistant behavior analyst" defined.

641.0204 "Autism behavior interventionist" defined.

641.0206 "Behavior analyst" defined.

641.0247 "Practice of applied behavior analysis" defined.

641.232 Grounds for disciplinary action for licensed behavior analysts and licensed assistant behavior analysts: Regulations.

641.395 Licensed assistant behavior analysts and autism behavior interventionists: Limitations on practice.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 378 makes ten changes to Senate Bill No. 286. The amendment adds a new section to the bill creating the Board of Applied Behavior Analysis. It also amends definitions in the bill, including "Behavior Technician" and "practice of applied behavior analysis." It additionally authorizes the Aging and Disability Services Division to conduct investigations of all licensees and registrants; establishes an enterprise fund, which allows the Board to operate as a self-funded board; deletes requirements that applicants for a license to practice as a behavior analyst or assistant behavior analyst must meet certain criteria; deletes certain educational requirements for applicants for a license to practice as a behavior analyst and an assistant behavior analyst; adds language to include the spouse of a veteran; deletes all fees in section 28 of the bill and instead authorizes the Division to adopt regulations that include establishing fees for the issuance, renewal and restoration of licenses and registrations as well as other administrative actions taken by the Division. The fees must not exceed the costs incurred by the Division. It deletes provisions that would have established a criminal penalty for persons who unlawfully practiced as a behavior technician. Instead, the amendment allows the Board to issue a cease-and-desist order to such a person and amends the effective date of the bill from July 1, 2017 to January 1, 2019.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 287.

Bill read second time.

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

Amendment No. 215.

SUMMARY—Revises provisions relating to the protection of children.
(BDR 38-609)

~~AN ACT relating to protection of children; ~~requiring an agency which provides child welfare services to notify certain entities of a substantiated report relating to the abuse or neglect of a child committed by a school employee or volunteer in certain circumstances; requiring the principal or other administrator of a public school or private school to carry out certain recommendations relating to the protection of a child;~~~~ requiring school employees and volunteers to report the abuse or neglect of a child ~~by any person;~~ and certain other prohibited acts; requiring an agency which provides child welfare services to investigate such a report and forward a substantiated report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing a person to appeal the substantiation of such a report; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; providing ~~a penalty;~~ penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report the suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child's welfare. (NRS 432B.020, 432B.220) The term "person responsible for a child's

welfare" is limited by existing law to a parent, legal guardian, stepparent or other adult person found in the same home as the child on a regular basis or a home, institution or facility where the child resides or receives care, including, without limitation, the volunteers and employees of such homes, institutions or facilities. (NRS 432B.130) Section 8 of this bill requires all employees of and volunteers for a public school or private school, regardless of whether they are licensed, to report the suspected abuse or neglect of a child by ~~any other person, regardless of whether the person who is the subject of the report is~~ a person responsible for the child's welfare. ~~for any other person. Therefore, a report made by a teacher, paraprofessional, substitute teacher, social worker or any other employee or volunteer pursuant to section 8 could include the suspected abuse or neglect of a child committed by another school employee or volunteer.~~

Existing law makes it a misdemeanor or gross misdemeanor for a person who is required to report the suspected abuse or neglect of a child to knowingly and willfully fail to make such a report. (NRS 432B.240) This penalty also applies to the failure to report by an employee of or volunteer for a public school or private school as expanded by section 8 of this bill.

~~Section 5 of this bill requires an agency which provides child welfare services to immediately notify the board of trustees of a school district, the governing body of a charter school or the governing body of a private school after substantiating a report relating to the abuse or neglect of a child at a public school or private school and determining that reasonable cause exists to believe that an employee or volunteer serving at such school caused or allowed the abuse or neglect of the child at the school. Section 5 also requires an agency which provides child welfare services to include with such notice any information relating to a previous substantiated report of abuse or neglect which was committed by the same employee or volunteer.~~

~~Section 6 of this bill authorizes an agency which provides child welfare services to provide written recommendations to the principal or other administrator who is in charge of a public school or private school to prevent the further abuse or neglect of a child. Section 6 requires the principal or administrator in charge of the public school or private school to carry out these recommendations as soon as practicable.~~

~~Existing law requires an agency which provides child welfare services to investigate each incident in which the suspected abuse or neglect of a child is reported. If substantiated by the agency, the report and investigation must be entered into the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. (NRS 432.100) Existing law authorizes certain public agencies to receive information relating to child protection reports and investigations, including, without limitation, the data entered into the Statewide Central Registry. (NRS 432B.290) Section 7 of this bill requires an agency which provides child welfare services to prepare an annual statistical report with the number of substantiated reports relating to the abuse or neglect of a child for which the agency found reasonable cause that~~

~~an employee of or volunteer for a public school or private school caused or allowed such abuse or neglect at the school. Section 7 also requires an agency which provides child welfare services to deliver the report to the Legislature, the Superintendent of Public Instruction and to each board of trustees of a school district and governing body of a charter school or private school within the area served by the agency. Section 7 further requires an agency which provides child welfare services and the recipients of the statistical report, excluding the Legislature and the Superintendent of Public Instruction, to post the report on their Internet websites.~~

~~Sections 1 4 and 9 16 of this bill make conforming changes.]~~

Existing law prohibits sexual conduct between an employee or volunteer of a public school and certain pupils, the luring of a child and the use of corporal punishment in a public school. (NRS 201.540, 201.560, 392.4633) Section 44 of this bill imposes an additional duty on an employee or volunteer at a public or private school to make a report within 24 hours if, in that capacity, he or she knows or has reasonable cause to believe that a child has been subjected to abuse or neglect caused by a person other than a person responsible for the welfare of the child, certain sexual conduct, luring or prohibited corporal punishment. Section 44 requires: (1) a report concerning abuse or neglect, sexual conduct or luring to be made to an agency which provides child welfare services and a law enforcement agency; and (2) a report concerning prohibited corporal punishment to be made to a child welfare agency. Section 44 requires a child welfare agency to investigate any such report it receives. Section 45 of this bill prescribes the required contents of the report. Section 46 of this bill makes it a misdemeanor for an employee or volunteer at a school to fail to make a report when required. Sections 47 and 48 of this bill provide that certain privileges do not apply to a person required to make a report or to the report itself. Section 49 of this bill authorizes a designee of an agency investigating a report to take certain actions to investigate the report with the consent of the parent or guardian of the child.

Section 50 of this bill provides that reports of abuse, neglect, sexual conduct, luring and prohibited corporal punishment and investigations of such reports are confidential and makes it a gross misdemeanor to disclose such information except where authorized to do so. Section 51 of this bill sets forth exceptions to such confidentiality that allow certain persons to access such material, including the child who is the subject of the report, his or her parent or guardian and attorney and certain governmental entities. Section 52 of this bill authorizes an agency investigating a report to provide certain information to the person alleged to have engaged in the conduct described in the report and the person who made the report. Section 52 also authorizes any person to consent to the release of information about himself or herself. Section 53 of this bill: (1) requires an agency which provides child welfare services to take precautions to protect the identity and safety of a person who makes a report when releasing information; and (2) authorizes such an agency to charge a fee for processing costs necessary to prepare information maintained by the

agency. Section 54 of this bill provides that any person who is provided information maintained by an agency which provides child welfare services and further disseminates the information is guilty of a gross misdemeanor.

Section 55 of this bill requires an agency investigating a report to determine whether the report is substantiated or unsubstantiated. If the report is substantiated, the agency is required to forward the report to: (1) the Department of Education, the governing body of the school or school district, as applicable, and law enforcement; and (2) after the conclusion of any administrative appeal, the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. Section 56 of this bill prescribes the procedure for filing and hearing an administrative appeal. Section 1.5 of this bill provides for the inclusion of such information in the Central Registry. Section 57 of this bill provides immunity from civil and criminal liability for a person who, in good faith, makes a report or takes certain action to investigate a report. Section 58 of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to adopt any regulations necessary for the administration of provisions relating to the new reporting requirement prescribed by this bill. Section 7.3 of this bill provides that the provisions of existing law governing the requirement to report the abuse or neglect of a child by a person responsible for the welfare of the child do not apply to the new reporting requirement.

Under existing law, an unlicensed applicant for employment at a public school must undergo a background check before being hired. (NRS 388A.515, 388C.200, 391.104, 391.281) Additionally, a licensed employee must undergo a background check before a license can be issued or renewed. (NRS 391.033) Sections 27, 28, 33, 34 and 60 of this bill additionally require: (1) volunteers at a public school and employees and volunteers at a private school to undergo background checks; and (2) a background check to be performed on each unlicensed employee and volunteer at least once every 5 years. Section 21 of this bill requires the Central Repository to provide the results of such a background check to the appropriate superintendent, governing body or administrator immediately. Sections 27, 28, 31, 33, 34 and 60 of this bill also additionally require background checks performed on licensed and unlicensed educational personnel and volunteers to include information that may be available from the Central Registry or any equivalent registry maintained in another jurisdiction in which the person has resided within the immediately preceding 5 years. Sections 24, 27, 28, 31, 33, 34 and 60 of this bill authorize a school district, charter school, university school for profoundly gifted pupils or private school to: (1) cooperate with a law enforcement agency to obtain any available information on the background of an applicant, employee or volunteer; and (2) use information from the Central Registry in personnel decisions. Sections 27, 28, 31, 33, 34 and 60 provide that the Superintendent of Public Instruction, the board of trustees of a school district, the governing body of a charter school, university school for profoundly gifted pupils or private school and the administrator of a private school cannot be held liable

for any damages resulting from such action. Section 28 provides that any provision of a collective bargaining agreement that prohibits a school district, charter school or university school for profoundly gifted pupils from taking such action is void.

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

Section 1. NRS 424.250 is hereby amended to read as follows:

424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident, motor vehicle crash or injury occurs to a child in its care within 24 hours after the incident, accident, motor vehicle crash or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident, motor vehicle crash or injury, any action taken as a result of the incident, accident, motor vehicle crash or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220 ~~or~~ section 44 of this act.

~~{Section 1.}~~ Sec. 1.1. Chapter ~~{432B}~~ 432 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~{2 to 7, inclusive,}~~ 1.2 and 1.3 of this act.

Sec. 1.2. As used in NRS 432.0999 to 432.130, inclusive, of this act, the words and terms defined in NRS 432.0999 and section 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 1.3. "Abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.

Sec. 1.4. NRS 432.0999 is hereby amended to read as follows:

432.0999 ~~{As used in NRS 432.0999 to 432.130, inclusive,}~~ "Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 1.5. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 432B.220 ~~or section 44 of this act;~~

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560 or 392.4633 made pursuant to section 44 of this act;

~~(c)~~ Statistical information on the protective services provided in this State; and

~~((e))~~ (d) Any other information which the Division determines to be in furtherance of NRS 432.0999 to 432.130, inclusive, and sections 1.2 and 1.3 of this act, and 432B.010 to 432B.400, inclusive ~~or~~ , and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.

3. The Division may release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

↳ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 1.6. NRS 432.110 is hereby amended to read as follows:

432.110 1. Except as otherwise provided in subsection 2, the Division shall maintain a record of:

(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the Central Registry; and

(b) Any other information which might be helpful in furthering the purposes of NRS 432.0999 to 432.130, inclusive, *and sections 1.2 and 1.3 of this act*, and 432B.010 to 432B.400, inclusive ~~1.1~~, *and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.*

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 1.7. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child *or a violation of NRS 201.540, 201.560 or 392.4633*, has been reported pursuant to NRS 432B.310 ~~1.1~~ *or section 55 of this act, as applicable*, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 1.8. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 *or sections 51 to 54, inclusive, of this act* is guilty of a misdemeanor.

Sec. 2. ~~[As used in NRS 432B.220 to 432B.320, inclusive, and sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 3. ~~["Private school" has the meaning ascribed to it in NRS 394.103.]~~ (Deleted by amendment.)

Sec. 4. ~~["Public school" has the meaning ascribed to it in NRS 385.007.]~~ (Deleted by amendment.)

Sec. 5. ~~[1. An agency which provides child welfare services shall immediately notify the board of trustees of a school district, the governing body of a charter school or the governing body of a private school, as applicable, if the agency substantiates a report that has been made pursuant to subsection 7 of NRS 432B.220 and determines that reasonable cause exists to believe that an employee of or volunteer for the public school or private~~

~~school, as applicable, caused or allowed the abuse or neglect of a child at the school.~~

~~2. An agency which provides child welfare services that provides notice pursuant to subsection 1, must include information concerning any other substantiated report about the same employee or volunteer, as applicable, for which it was determined that reasonable cause existed to believe that the employee or volunteer had caused or allowed the abuse or neglect of a child in any circumstance.} (Deleted by amendment.)~~

Sec. 6. ~~{1. An agency which provides child welfare services may provide written recommendations to the principal or other administrator in charge of a public school or private school to prevent the abuse or neglect of a child who attends the school, if the agency has substantiated a report made pursuant to subsection 7 of NRS 432B.220 and determined that reasonable cause exists to believe that an employee of or volunteer for the school caused or allowed the abuse or neglect of the child at the school.~~

~~2. The written recommendations made by an agency which provides child welfare services may include, without limitation, a recommendation that the school:~~

~~(a) Permanently relocate the child to a different classroom;~~

~~(b) Prohibit an employee of or volunteer for the school from having any contact with the child; or~~

~~(c) Take any other action to prevent the further abuse or neglect of the child.~~

~~3. The principal or administrator in charge of the public school or private school shall, as soon as practicable, carry out any written recommendations provided pursuant to subsection 1 by the agency which provides child welfare services.} (Deleted by amendment.)~~

Sec. 7. ~~{1. An agency which provides child welfare services shall prepare a statistical report, which excludes any personally identifiable information, of the number of substantiated reports the agency received during the previous calendar year:~~

~~(a) Which were made pursuant to subsection 7 of NRS 432B.220; and~~

~~(b) For which the agency determined that reasonable cause existed to believe that an employee of or volunteer for a public school or private school caused or allowed the abuse or neglect of a child at the school.~~

~~2. On or before July 1 of each year, the report prepared pursuant to subsection 1 must be posted on the Internet website of the agency which provides child welfare services and be submitted to:~~

~~(a) The Director of the Legislative Counsel Bureau for transmittal to the Legislature;~~

~~(b) The Superintendent of Public Instruction;~~

~~(c) The board of trustees of each school district located in the area that is served by the agency which provides child welfare services;~~

~~(d) The governing body of each charter school located in the area that is served by the agency which provides child welfare services; and~~

~~(e) The governing body of each private school located in the area that is served by the agency which provides child welfare services.~~

~~3. Each entity listed in paragraphs (c), (d) and (e) of subsection 2 must post the report prepared pursuant to subsection 1 on its Internet website as soon as practicable after receipt of the report.] (Deleted by amendment.)~~

Sec. 7.3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this section and NRS 432B.220 to 432B.320, inclusive, do not apply to any report submitted, investigation performed or information maintained under the provisions of sections 36 to 58, inclusive, of this act.

Sec. 7.7. NRS 432B.200 is hereby amended to read as follows:

432B.200 1. The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State and reports pursuant to section 44 of this act, 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.

2. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.

Sec. 8. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance

abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person ~~[working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.]~~ *employed by a public school or private school and any person who serves as a volunteer at such a school.*

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

~~7. [In addition to any report required to be made by a person listed in paragraph (e) of subsection 4, such a person shall make a report to an agency which provides child welfare services or to a law enforcement agency in the manner prescribed by subsection 1 if the person knows or has reasonable cause to believe, in his or her professional or occupational capacity or in his or her capacity as a volunteer at a public school or private school, that a child has been abused or neglected, regardless of whether the person who is the subject of the report is a person responsible for the welfare of the child or any other person.]~~

~~8.1~~ The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. ~~10.1~~ The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

~~10.~~ 9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section ~~11~~ and section 44 of this act;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section ~~11~~ and section 44 of this act; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 9. ~~[NRS 432B.260 is hereby amended to read as follows:~~

~~432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.~~

~~2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:~~

~~(a) There is a high risk of serious harm to the child;~~

~~(b) The child has suffered a fatality; or~~

~~(c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.~~

~~3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:~~

~~(a) The child is not in imminent danger of harm;~~

~~(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;~~

~~(c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from any prenatal drug exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or~~

~~(d) The agency determines that the:~~

~~—(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment; and~~

~~—(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.~~

~~—4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.~~

~~—5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare or any other person who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.~~

~~—6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:~~

~~—(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or~~

~~—(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.~~

~~—7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.~~

~~—8. If an agency which provides child welfare services determines pursuant to subsection 3 that an investigation is not warranted, the agency may, at any time, reverse that determination and initiate an investigation.~~

~~—9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.~~

~~—10. As used in this section, "abuse or neglect" includes, without limitation, abuse or neglect reported pursuant to subsection 7 of NRS 432B.220.]~~
~~(Deleted by amendment.)~~

Sec. 10. ~~[NRS 432B.270 is hereby amended to read as follows:~~

~~—432B.270—1. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of and outside the presence of any person responsible for the child's welfare, interview a child and any sibling of the child, if an interview is deemed appropriate by the designee, concerning~~

~~any possible abuse or neglect. The child and any sibling of the child may be interviewed, if an interview is deemed appropriate by the designee, at any place where the child or any sibling of the child is found. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children. The designee shall, immediately after the conclusion of the interview, if reasonably possible, notify a person responsible for the child's welfare that the child or sibling was interviewed, unless the designee determines that such notification would endanger the child or sibling.~~

~~— 2. — A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of the person responsible for a child's welfare:~~

~~— (a) Take or cause to be taken photographs of the child's body, including the areas of trauma; and~~

~~— (b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on a child.~~

~~— 3. — Upon the taking of any photographs or X-rays or the performance of any medical tests pursuant to subsection 2, the person responsible for the child's welfare must be notified immediately, if reasonably possible, unless the designee determines that the notification would endanger the child. The reasonable cost of these photographs, X-rays or medical tests must be paid by the agency which provides child welfare services if money is not otherwise available.~~

~~— 4. — Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, the law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X-ray, result of a medical test or other medical record:~~

~~— (a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:~~

~~— (1) The name of the child;~~

~~— (2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and~~

~~— (3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;~~

~~— (b) Is admissible in any proceeding relating to the abuse or neglect of the child; and~~

~~— (c) May be given to the child's parent or guardian if the parent or guardian pays the cost of duplicating them.~~

~~— 5. — As used in this section [,"medical"]:~~

~~— (a) "Abuse or neglect" includes, without limitation, abuse or neglect reported pursuant to subsection 7 of NRS 432B.220.~~

~~—(b) "Medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging; (Deleted by amendment.)~~

Sec. 11. ~~[NRS 432B.280 is hereby amended to read as follows:~~
~~432B.280 1. Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and sections 5, 6 and 7 of this act and except as otherwise authorized or required pursuant to NRS 432B.290, information maintained by an agency which provides child welfare services, including, without limitation, reports and investigations made pursuant to this chapter, is confidential.~~

~~2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:~~

~~—(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;~~

~~—(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;~~

~~—(c) As otherwise authorized or required pursuant to NRS 432B.290;~~

~~—(d) As otherwise authorized or required pursuant to NRS 439.538; [or]~~

~~—(e) As otherwise required pursuant to NRS 432B.513 [.] ; or~~

~~—(f) As otherwise authorized or required pursuant to sections 5, 6 and 7 of this act.~~

~~— is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 432B.290 is hereby amended to read as follows:~~

~~432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.~~

~~2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, and sections 5, 6 and 7 of this act, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:~~

~~—(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;~~

~~—(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;~~

~~—(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:~~

~~—(1) The child; or~~

~~—(2) The person responsible for the welfare of the child;~~

~~—(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;~~

~~—(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;~~

~~—(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;~~

~~—(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;~~

~~—(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~—(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~—(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~—(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;~~

~~—(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;~~

~~—(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;~~

~~—(n) A team organized pursuant to NRS 432B.350 for the protection of a child;~~

~~—(o) A team organized pursuant to NRS 432B.405 to review the death of a child;~~

~~—(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept~~

~~confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child and is limited to information concerning that parent or guardian;~~

~~—(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:~~

~~—(1) The child is 14 years of age or older; and~~

~~—(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well being of the child;~~

~~—(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well being of the child and is limited to information concerning those persons;~~

~~—(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;~~

~~—(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:~~

~~—(1) The identity of the person making the report is kept confidential; and~~

~~—(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;~~

~~—(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;~~

~~—(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;~~

~~—(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;~~

~~—(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;~~

~~—(y) An employer in accordance with subsection 3 of NRS 432.100;~~

~~—(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or~~

~~—(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.~~

~~3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:~~

~~—(a) A copy of:~~

~~—(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or~~

~~—(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or~~

~~—(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.~~

~~—4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.~~

~~—5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.~~

~~—6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.~~

~~—7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides~~

~~child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.~~

~~8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.~~

~~9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.~~

~~10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:~~

~~(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;~~

~~(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or~~

~~(c) An employee of a juvenile justice agency who provides the information to the juvenile court.~~

~~11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.~~

~~12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.~~

~~13. As used in this section [,"juvenile"]:~~

~~(a) "Abuse or neglect" includes, without limitation, abuse or neglect reported pursuant to subsection 7 of NRS 432B.220.~~

~~(b) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services. (Deleted by amendment.)~~

Sec. 13. ~~[NRS 432B.300 is hereby amended to read as follows:~~

~~432B.300 1. If an agency which provides child welfare services determines that an investigation of a report concerning the possible abuse or neglect of a child is warranted pursuant to NRS 432B.260, the agency shall determine, without limitation:~~

~~[1.] (a) The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;~~

~~[2.] (b) Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing~~

or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

~~— [3.] (c) Whether there is reasonable cause to believe that a child has suffered a fatality as a result of abuse or neglect regardless of whether or not there are any siblings of the child or other children who are residing in the same household as the child who is believed to have suffered a fatality as a result of abuse or neglect;~~

~~— [4.] (d) If there is reasonable cause to believe that a child is abused or neglected, the immediate and long term risk to the child if the child remains in the same environment;~~

~~— [5.] (e) The treatment and services which appear necessary to help prevent further abuse or neglect and to improve the environment of the child and the ability of the person responsible for the child's welfare to care adequately for the child; and~~

~~— [6.] (f) Whether the report concerning the possible abuse or neglect of a child is substantiated or unsubstantiated.~~

~~— 2. As used in this section, "abuse or neglect" includes, without limitation, abuse or neglect reported pursuant to subsection 7 of NRS 432B.220.]~~
(Deleted by amendment.)

Sec. 14. ~~[NRS 432B.310 is hereby amended to read as follows:~~
~~432B.310 1. Except as otherwise provided in subsection 6 of~~
NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

~~— (a) Identifying and demographic information on the child alleged to be abused or neglected, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the abuse or neglect;~~

~~— (b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted, the severity of the injuries and, if applicable, any information concerning the death of the child; and~~

~~— (c) The disposition of the case.~~

~~— 2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child after the child was born.~~

~~— 3. As used in this section, "abuse or neglect" includes, without limitation, abuse or neglect reported pursuant to subsection 7 of NRS 432B.220.]~~
(Deleted by amendment.)

Sec. 15. ~~[NRS 432B.315 is hereby amended to read as follows:~~
~~432B.315 1. If an agency which provides child welfare services~~
determines pursuant to NRS 432B.300 that a report made pursuant to NRS 432B.220 is substantiated, the agency shall provide written notification to the person responsible for the child's welfare or any other person who is

~~named in the report as allegedly causing the abuse or neglect of the child which includes statements indicating that:~~

~~— [1.] (a) The report which was made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to NRS 432B.310; and~~

~~— [2.] (b) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required pursuant to NRS 432B.317.~~

~~— 2. As used in this section, "abuse or neglect" includes, without limitation, abuse or neglect reported pursuant to subsection 7 of NRS 432B.220.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 432B.320 is hereby amended to read as follows:~~

~~432B.320 1. An agency which provides child welfare services may waive a full investigation of a report of abuse or neglect of a child made by another agency or a person if, after assessing the circumstances, it is satisfied that:~~

~~— (a) The person or other agency who made the report can provide services to meet the needs of the child and the family, and this person or agency agrees to do so; and~~

~~— (b) The person or other agency agrees in writing to report periodically on the child and to report immediately any threat or harm to the child's welfare.~~

~~— 2. The agency which provides child welfare services shall supervise for a reasonable period the services provided by the person or other agency pursuant to subsection 1.~~

~~— 3. As used in this section, "abuse or neglect" includes, without limitation, abuse or neglect reported pursuant to subsection 7 of NRS 432B.220.] (Deleted by amendment.)~~

Sec. 17. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.] (Deleted by amendment.)~~

Sec. 18. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall

immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:

(1) A school police officer who is appointed or employed pursuant to subsection ~~4~~ 5 of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

(2) The sheriff's office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 19. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

- (a) Any prior criminal record of the defendant;
- (b) Information concerning the characteristics of the defendant, the defendant's financial condition, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;
- (c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;
- (d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;
- (e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and sections 36 to 58, inclusive, of this act that relate to the defendant and are made available pursuant to NRS 432B.290 ~~or sections 51 to 54, inclusive, of this act, as applicable;~~
- (f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;
- (g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;
- (h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;
- (i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and
- (j) Such other information as may be required by the court.

2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 20. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years

immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and sections 36 to 58, inclusive, of this act that relate to the defendant and are made available pursuant to NRS 432B.290 ~~or~~ or sections 51 to 54, inclusive, of this act, as applicable; and

(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 21. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

- (a) Through an electronic network;
- (b) On a medium of magnetic storage; or
- (c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

- (a) Collect, maintain and arrange all information submitted to it relating to:
 - (1) Records of criminal history; and
 - (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.
- (b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.
- (c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.
- (d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

- (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;
- (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
- (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:
 - (1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;
 - (2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;
 - (3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;
 - (4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

- (1) Booking the person into a city or county jail or detention facility;
- (2) Employment;
- (3) Contractual services; or
- (4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

- (1) Arrest; or
- (2) Criminal investigation,

↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment ~~or~~ or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

↪ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➡ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is

required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

9. As used in this section:

(a) "Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(d) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 22. NRS 202.888 is hereby amended to read as follows:

202.888 The provisions of NRS 202.882 do not apply to a person who:

1. Is less than 16 years of age;

2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:

(a) The child who is the victim of the violent or sexual offense; or

(b) The person who committed the violent or sexual offense against the child;

3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him or her by blood or marriage or who resides in the same household as he or she resides, whether or not the other person is related to him or her by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or

6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220, or section 44 of this act.

Sec. 23. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,

634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 ~~§~~ and sections 50 to 54, inclusive, of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 24. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Except as otherwise provided in ~~subsection 6~~ subsections 6, 7 and 10, discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) Except as otherwise provided in subsections 7, ~~and 9~~ and 10, the policies for the transfer and reassignment of teachers.
- (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
- (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➡ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the

most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

- (a) Reassigning any member of the staff of such a school; or
- (b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~{11.}~~ 12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~{12.}~~ 13. As used in this section, ~~["achievement"]~~ :

(a) "Abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.

(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 25. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~4~~ 5 of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer's duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 26. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

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

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 ~~or~~ or section 44 of this act.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 27. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a charter school who is likely to have unsupervised or regular contact with pupils, must, ~~as a condition to~~ before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school ~~to~~ :

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the ~~{reports on the criminal history of an applicant indicate}~~ information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~or~~.

~~3.1~~ or employee or accept the volunteer, as applicable.

4. If ~~{a report on the criminal history of an applicant}~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant or employee from ~~{further consideration of}~~ employment or the volunteer from serving as a volunteer on the basis of that ~~{report}~~ information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the ~~{report}~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the ~~{report}~~ information pursuant to this subsection, the charter school shall not employ the applicant ~~or~~.

~~4.1~~ or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~{report}~~ information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied ~~or~~. ~~If the applicant desires employment with the charter school, the~~ or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~or~~ or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

~~5.1~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied ~~or~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant ~~or~~ or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has

applied ~~for~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position ~~for~~ or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 28. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils, must, ~~as a condition to~~ before beginning his or her employment ~~for~~ or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school ~~for~~ :

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~for~~, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants

for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the ~~reports on the criminal history of an applicant indicate~~ information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~or~~

~~3.] or employee or accept the volunteer, as applicable.~~

4. If ~~a report on the criminal history of an applicant~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from ~~[[further consideration of]]~~ employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the ~~(report)~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~or~~

~~4.] or employee or accept the volunteer, as applicable.~~

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~(report)~~ information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~or~~. If the applicant desires employment with the university school, the or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant ~~or~~ employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

~~5.]~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~or~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant ~~or~~ or employee or accept the

volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied ~~or~~ or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position ~~or~~ or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 29. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 30. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 and section 29 of this act have the meanings ascribed to them in those sections.

Sec. 31. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application ~~the~~:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the

Federal Bureau of Investigation for its report on the criminal history of the applicant ~~{-}~~; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

~~{-}~~ 6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

~~(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;~~ information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) ~~{-}~~ Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~{-}~~ Indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 7.

Sec. 32. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~and 391.033~~, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction~~;

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 33. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~or employee~~, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised or regular contact with pupils, must, ~~as a condition to~~ before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district ~~the~~ :

(a) A full set of the applicant's , employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~the~~ , employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection ~~(2)~~ 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➡ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~(2)~~ 5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the

person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

Sec. 34. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section ~~or~~ employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~as a condition to~~ before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district ~~to~~ :

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~{3}~~ 6 or ~~{4}~~ 7 shall be deemed school police officers.

~~{3}~~ 6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~{4}~~ 7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 35. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 58, inclusive, of this act.

Sec. 36. As used in sections 36 to 58, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 to 42, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 37. "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020, but includes abuse or neglect caused by a person who is not responsible for the welfare of the child pursuant to NRS 432B.130.

Sec. 38. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 39. "Central Registry" has the meaning ascribed to it in NRS 432.0999.

Sec. 40. "Child" means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.

Sec. 41. "Information maintained by an agency which provides child welfare services" means data or information concerning reports and investigations made pursuant to sections 36 to 58, inclusive, of this act, including, without limitation, the name, address, date of birth, social security number and the image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.

Sec. 42. "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 43. For the purposes of sections 36 to 58, inclusive, of this act, a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 44. 1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 or luring in violation of NRS 201.560, the employee or volunteer shall report the abuse or neglect, sexual conduct or luring to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633, the employee or volunteer shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560 or 392.4633.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. An agency which provides child welfare services shall investigate the allegations contained in any report made pursuant to this section.

5. Nothing in sections 36 to 58, inclusive, of this act shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560.

6. As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency, but does not include a school police officer.

Sec. 45. 1. A person may make a report pursuant to section 44 of this act by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, if obtainable and to the extent applicable:

(a) The name, address, age and sex of the child and the school in which the child is enrolled;

(b) The name and address of the child's parents or other person responsible for the care of the child;

(c) The nature and extent of the abuse or neglect of the child or the sexual conduct, luring or corporal punishment to which the child was subjected;

(d) The name, address and relationship, if known, of the person who is alleged to have abused or neglected, engaged in sexual contact with, lured or administered corporal punishment to, the child; and

(e) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Sec. 46. Any person who knowingly and willfully violates the provisions of section 44 of this act is guilty of:

1. For the first violation, a misdemeanor.

2. For each subsequent violation, a gross misdemeanor.

Sec. 47. Any person who is required to make a report pursuant to section 44 of this act may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to section 44 of this act;
 2. In cooperating with an agency which provides child welfare services;
- or
3. In any proceeding held pursuant to sections 36 to 58, inclusive, of this act.

Sec. 48. In any proceeding resulting from a report made or action taken pursuant to the provisions of sections 44 or 45 of this act or in any proceeding where the report or the contents thereof is sought to be introduced in evidence, the report or contents or any other fact or facts related thereto or to the condition of the child who is the subject of the report must not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

Sec. 49. 1. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of the child who is the subject of the report, interview the child and any sibling of the child, if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.

2. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of a child who is the subject of the report:

(a) Take or cause to be taken photographs of the child's body, including any areas of trauma; and

(b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on the child.

3. The reasonable cost of any photographs or X-rays taken or medical tests performed pursuant to subsection 2 must be paid by the agency which provides child welfare services if money is not otherwise available.

4. Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, any law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X-ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;

(b) Is admissible in any proceeding relating to the allegations in the report made pursuant to section 44 of this act; and

(c) May be given to the child's parent or guardian if the parent or guardian pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 50. 1. Except as otherwise provided in NRS 239.0115 and sections 51 to 55, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act is confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

(c) As otherwise authorized or required pursuant to NRS 432B.290;

(d) As otherwise authorized or required pursuant to NRS 439.538;

(e) As otherwise required pursuant to NRS 432B.513; or

(f) As otherwise authorized or required pursuant to sections 51 to 55, inclusive, of this act.

↪ is guilty of a gross misdemeanor.

Sec. 51. Except as otherwise provided in sections 51 to 54, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560 or 392.4633 to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560 or 392.4633;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560 or 392.4633 or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 52. 1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon request, provide to a person named in the report as allegedly causing the abuse

or neglect of a child or violating the provisions of NRS 201.540, 201.560 or 392.4633:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to section 44 of this act to the person who made the report.

Sec. 53. 1. Information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Before releasing any information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who makes a report pursuant to section 44 of this act and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the allegations in the report or the life or safety of any person.

3. The provisions of sections 51 to 54, inclusive, of this act must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

4. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

5. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of sections 51 to 54, inclusive, of this act.

Sec. 54. 1. Except as otherwise provided in sections 51 to 54, inclusive, of this act, any person who is provided with information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

2. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 55. 1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated.

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560 or 392.4633 which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by section 56 of this act.

(c) After the conclusion of any administrative appeal pursuant to section 56 of this act or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

Sec. 56. 1. A person to whom a written notification is sent pursuant to section 55 of this act may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sends the written notification required by section 55 of this act.

2. Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a timely request for an administrative appeal pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.

3. If a timely request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

4. If the hearing officer in a hearing held pursuant to this section:

(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person's name in the Central Registry pursuant to section 55 of this act.

5. The decision of a hearing officer in a hearing held pursuant to this section is a final decision for the purposes of judicial review.

Sec. 57. 1. Immunity from civil or criminal liability extends to every person who in good faith:

(a) Makes a report pursuant to section 44 of this act;

(b) Conducts an interview or allows an interview to be taken pursuant to section 49 of this act;

(c) Allows or takes photographs or X-rays pursuant to section 49 of this act;

(d) Causes a medical test to be performed pursuant to section 49 of this act;

(e) Provides a record, or a copy thereof, of a medical test performed pursuant to section 49 of this act to an agency which provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to section 44 of this act or the prosecuting attorney's office; or

(f) Participates in a judicial proceeding resulting from a report made pursuant to section 44 of this act.

2. In any proceeding to impose liability against a person for:

(a) Making a report pursuant to section 44 of this act; or

(b) Performing any act set forth in paragraphs (b) to (f), inclusive, of subsection 1,

↪ there is a presumption that the person acted in good faith.

Sec. 58. The Division of Child and Family Services of the Department of Health and Human Services may, in consultation with each agency which provides child welfare services, adopt any regulations necessary for the administration of sections 36 to 58, inclusive, of this act.

Sec. 59. NRS 392.4633 is hereby amended to read as follows:

392.4633 1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any ~~[teacher, principal or other licensed]~~ person from defending himself or herself if attacked by a pupil.

3. ~~[A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.]~~

~~4.] As used in this section, [~~

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

~~(b) "Corporal", "corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:~~

~~[(1)] (a) To quell a disturbance that threatens physical injury to any person or the destruction of property;~~

~~[(2)] (b) To obtain possession of a weapon or other dangerous object within a pupil's control;~~

~~[(3)] (c) For the purpose of self-defense or the defense of another person;~~
or

~~[(4)] (d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.~~

Sec. 60. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer

and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4.

Sec. 61. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune

from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

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

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 ~~or section 44 of this act.~~

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

- (1) An owner of a private school.
- (2) A director of a private school.
- (3) A supervisor at a private school.
- (4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 62. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, and section 60 of this act is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 63. The provisions of NRS 288.150, as amended by section 24 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 64. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~[Sec. 18.]~~ Sec. 65. This act becomes effective on July 1, 2017.

Senator Gansert moved the adoption of the amendment.

Remarks by Senator Gansert.

Amendment No. 215 revises the provisions of Senate Bill No. 287 by replacing most of the bill with a new approach to protect children. The amendment requires school employees and volunteers to report the abuse or neglect of a child and certain other prohibited acts.

It requires an agency that provides child-welfare services to investigate such reports and to forward substantiated reports to the Statewide Central Registry for the Collection of Information

Concerning the Abuse or Neglect of a Child. In addition, the amendment authorizes a person to appeal the substantiation of such a report and revises certain provisions concerning background checks conducted on certain educational personnel and volunteers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 466.

SUMMARY—Revises provisions governing the taxation of property rebuilt after ~~a natural disaster;~~ an event proclaimed an emergency or disaster by the Governor. (BDR 32-929)

AN ACT relating to taxation; authorizing the owner of a single-family residence that is replaced after a flood, fire, earthquake or other event for which the Governor has proclaimed a state of emergency or declaration of disaster to apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence; revising provisions governing the calculation of the property taxes imposed on such a single-family residence; ~~that is replaced after a natural disaster declared by the Governor;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, for the purposes of determining the amount of property tax owed by the owner of a parcel of real property, the taxable value of the real property is equal to the value of the land plus the replacement cost of the improvements, depreciated at 1.5 percent for each year of adjusted actual age, up to a maximum of 50 years. (NRS 361.227) Existing law requires that for the purpose of calculating the depreciation of an improvement, the actual age of the improvement must be adjusted when additions or replacements are made with a cumulative cost of least 10 percent of the replacement cost of the improvement. (NRS 361.229) Thus, under existing law, a new improvement which replaces an improvement that was partially or completely destroyed would lose the depreciation accrued on the partially or completely destroyed improvement. (NRS 361.229)

Section 1 of this bill sets forth the finding of the Legislature that when a single-family residence is partially or completely destroyed by a ~~natural disaster;~~ flood, fire, earthquake or other event for which the Governor proclaims a state of emergency or declaration of disaster, the resulting loss of the depreciation accrued on the partially or completely destroyed residence causes a severe economic hardship to the owner of the residence by increasing the property taxes imposed on the residence. Section ~~2.1~~ 2.3 of this bill ~~requires~~ authorizes the owner of a single-family residence that replaces a single-family residence partially or completely destroyed by a ~~natural disaster~~ which is declared a disaster by flood, fire, earthquake or other event for which

~~the Governor proclaims a state of emergency or declaration of disaster to not be considered a new improvement, apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence. Under section 2.3, the county assessor is required to grant an application for such an exemption if: (1) the single-family residence is occupied as the principal residence of the owner; (2) the single-family residence is located on the same parcel of real property as the single-family residence that was partially or completely destroyed; (3) the parcel on which the single-family residence was located has not been sold or transferred in a transaction to which the real property transfer tax applies; (4) a building permit was issued for the residence ~~[not later than 3 years]~~ or, if the local government does not issue building permits, construction of the residence was commenced within a certain period after the partial or complete destruction of the previous residence; and ~~[(4)]~~ (5) the floor area of the residence does not exceed 110 percent of the floor area of the residence that was partially or completely destroyed. ~~[Under section 2, if treating the single family residence as a new improvement would result in a lower assessed value for the residence, the residence must be considered a new improvement.~~~~

~~Section 4 of this bill provides that the provisions of section 2 apply to any single-family residence that is partially or completely destroyed by a natural disaster which is declared a disaster by the Governor before, on or after July 1, 2017.] If an exemption of a portion of the assessed value of a single family residence is granted pursuant to section 2.3, the amount of the exemption is equal to the difference between the assessed value of the single-family residence for which the application was granted and the assessed value that the single-family residence would have had if the single-family residence were deemed not to be a new improvement. Thus, under section 2.3, if an exemption is granted, the single-family residence would not lose the depreciation accrued on the partially or completely destroyed residence. Under section 2.3, the exemption must no longer be applied if the single-family residence granted the exemption is sold or transferred in a transaction to which the real property transfer tax applies.~~

Existing law provides for a partial abatement of taxes, which has the effect of establishing an annual cap on increases in property taxes. Section 2.7 of this bill revises the calculation of the partial abatement for a single-family residence for which an exemption is granted pursuant to section 2.3 so that for the initial fiscal year for which the exemption applies, the partial abatement is calculated based on the taxes imposed on the single-family residence which was partially or completely destroyed in the fiscal year in which the residence was partially or completely destroyed. Section 2.7 also revises the formula for calculating the partial abatement for the fiscal year after the fiscal year in which a single-family residence granted an exemption pursuant to section 2.3 is sold or transferred so that in that fiscal year, the partial abatement is calculated as if the single-family residence had never obtained an exemption pursuant to section 2.3.

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

Section 1. The Legislature hereby finds and declares that:

1. Subsection 1 of Section 1 of Article 10 of the Nevada Constitution requires the Legislature to provide by law for a uniform and equal rate of assessment and taxation.

2. Subsection 10 of Section 1 of Article 10 of the Nevada Constitution establishes an exception to the requirement to provide by law for a uniform and equal rate of assessment and taxation by authorizing the Legislature to provide by law for an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

3. When a ~~natural disaster~~ flood, fire, earthquake or other event for which the Governor proclaims a state of emergency or declaration of disaster partially or completely destroys a single-family residence and the residence is rebuilt or replaced, existing provisions of law cause the new residence to be treated as a new improvement with an increased taxable value and, consequently, the owner of the property incurs a greater property tax liability.

4. An increase in the property taxes of the owner of a single-family residence who, after a natural disaster, rebuilds or replaces his or her residence constitutes a severe economic hardship on the owner of the residence.

Sec. 2. Chapter 361 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 2.3 and 2.7 of this act.

Sec. 2.3. 1. ~~[Notwithstanding any other provision of law, and except as otherwise provided in subsection 2, a]~~ An owner of a single-family residence that ~~would otherwise constitute a new improvement must be deemed not to be a new improvement if~~ is the primary residence of the owner and is a replacement for a single-family residence partially or completely destroyed by a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 before, on or after July 1, 2017, may apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence.

2. The county assessor shall approve an application submitted pursuant to subsection 1 and grant an exemption of a portion of the assessed value of the single-family residence specified in the application if the county assessor determines that each of the following criteria are satisfied:

(a) The single-family residence is occupied by the primary owner of the residence. ~~for~~

(b) The single-family residence is a replacement for a single-family residence that ~~was~~:

(1) Is located in an area in which occurred a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 before, on or after

July 1, 2017, and was partially or completely destroyed ~~by a~~ as a direct result of the flood, fire, earthquake or other ~~disaster~~ event for which ~~the~~ the state of emergency or declaration of disaster was proclaimed; ~~pursuant to NRS 414.070~~ and ~~is~~

(2) Is located on the same parcel of real property as the single-family residence that was partially or completely destroyed. ~~---~~

(c) ~~FA~~ The parcel of real property on which was located the single-family residence which was partially or completely destroyed has not been sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply at any time after the flood, fire, earthquake or other event occurred.

(d) Except as otherwise provided in this paragraph, a building permit for the single-family residence was issued or, if the local government in which the single-family residence is located does not issue building permits, construction on the single-family residence is commenced, not later than 3 years after the partial or complete destruction of the previous single-family residence. ~~---and~~

~~(d)~~ The county assessor may approve an extension of the 3-year period required by this paragraph for a period of not more than 3 additional years if the owner is not able to begin construction or obtain a building permit because of circumstances beyond the control of the owner that are related to the event that caused the partial or complete destruction of the single-family residence.

(e) The floor area of the single-family residence does not exceed 110 percent of the floor area of the single-family residence that was partially or completely destroyed.

~~2. If the assessed value of a single family residence that constitutes a replacement of a single family residence that was partially or completely destroyed by a flood, fire, earthquake or other disaster for which a declaration of disaster was proclaimed pursuant to NRS 414.070, as determined pursuant to NRS 361.227, is less than the assessed value of the single family residence, as determined pursuant to subsection 1, the single family residence must be deemed to be a new improvement.~~

3. If the county assessor approves an application submitted pursuant to subsection 1, the amount of the exemption must equal the difference between the assessed value of the single-family residence for which the application was granted, as determined pursuant to NRS 361.225 and 361.227, and the assessed value that the single-family residence would have had if the single-family residence were deemed not to be a new improvement.

4. If, between July 1 and June 15, the county assessor approves an application submitted pursuant to subsection 1, the owner of the single-family residence is entitled to an exemption of a portion of the assessed value of the single-family residence in the amount determined pursuant to subsection 3 beginning on July 1 of the next fiscal year and the owner of the single-family residence is not entitled to a refund of any taxes paid before that date.

5. If, after June 15 but on or before June 30, the county assessor approves an application submitted pursuant to subsection 1, the owner of the

single-family residence is entitled to an exemption of a portion of the assessed value of the single-family residence in the amount determined pursuant to subsection 3 beginning on July 1 of the fiscal year immediately following the next fiscal year and the owner of the single-family residence is not entitled to a refund of any taxes paid before that date.

6. If a single-family residence for which an exemption of a portion of the assessed value of the single-family residence is granted pursuant to this section is sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply:

(a) The exemption of a portion of the assessed value of the single-family residence must no longer be applied to the single-family residence; and

(b) In determining the taxable value of the single-family residence for any fiscal year following the sale, the single-family residence must be considered a new improvement as of the date on which the single-family residence was completed.

7. As used in this section:

(a) "Primary residence of the owner" has the meaning ascribed to it in NRS 361.4723.

(b) "Single-family residence" has the meaning ascribed to it in NRS 361.4723.

Sec. 2.7. 1. Notwithstanding the provisions of NRS 361.4722, 361.4723 and 361.4724, if a single-family residence that is the primary residence of the owner is partially or completely destroyed by a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 and if, pursuant to section 2.3 of this act, the owner of the single-family residence is granted an exemption of a portion of the assessed value of the single-family residence, then for the purpose of calculating the amount of any partial abatement to which the owner of the single-family residence is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the initial fiscal year for which the exemption applies, the amount determined for the immediately preceding fiscal year pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724, as applicable, must be the amount of the abatement determined for the fiscal year in which the single-family residence was partially or completely destroyed.

2. Notwithstanding the provisions of NRS 361.4722, 361.4723 and 361.4724, if, pursuant to section 2.3 of this act, the owner of a single-family residence is granted an exemption of a portion of the assessed value of the single-family residence and, after the granting of the exemption, the single-family residence is sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply, then for the purpose of calculating the amount of any partial abatement to which the owner of the single-family residence is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the first fiscal year immediately following the sale or transfer of the single-family

residence, the owner is entitled only to a partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 or 361.4724 in an amount equal to the amount of such a partial abatement to which owner would have been entitled if the exemption were not granted and the provisions of subsection 1 were not applied.

3. As used in this section:

(a) "Primary residence of the owner" has the meaning ascribed to it in NRS 361.4723.

(b) "Single-family residence" has the meaning ascribed to it in NRS 361.4723.

Sec. 3. ~~[NRS 361.229 is hereby amended to read as follows:
361.229 1. [The] Except as otherwise provided in section 1 if this act, the actual age of each improvement made on a parcel of land must be adjusted, for the purpose of computing depreciation, when any addition is made or replacement is made whose cost, added to the cost of any prior replacements, is at least 10 percent of the cost of replacement of the improvement after the work is done. For the purposes of this section, "replacement" does not include changing or adding finish or covering to floors or walls, changing or adding small appliances, or other normal maintenance of the improvement in a good condition.~~

~~2. Except as otherwise provided in subsection 3, the amount of the reduction must be the product of the prior actual age multiplied by the ratio of the cost of the replacement or addition to the cost of replacement of the improvement after the work is done.~~

~~3. The amount of the reduction for additions which increase the floor area of the improvement may be calculated by multiplying the prior actual age of the improvement by the ratio of the number of square feet of additional floor area to the total number of square feet of the improvement including the addition.] (Deleted by amendment.)~~

Sec. 3.1. NRS 361.155 is hereby amended to read as follows:

361.155 1. Except as otherwise provided in this section ~~[+]~~ and section 2.3 of this act:

(a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada pursuant to NRS 361.0905 must be filed on or before June 15.

(b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis, and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which the taxpayer is entitled during any fiscal year.

3. Except as otherwise provided in this section, each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions;
or

(b) Each county in which property is located for the tax exemption of an organization.

4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, and section 2.3 of this act, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:

(a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and

(b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

Sec. 3.3. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, and section 2.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 361.47111 to 361.4721, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4729, inclusive, and section 2.7 of this act, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the

product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

↪ whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4729, inclusive, *and section 2.7 of this act*, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the

assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

↪ whichever is less.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section, "remainder parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real

property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

Sec. 3.7. NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, and section 2.7 of this act, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

(b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(c) "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

➔ if classified as personal property for the purposes of this chapter.

(d) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 3.9. NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, and section 2.7 of

this act, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

Sec. 4. ~~[This act applies to any single family residence that was partially or completely destroyed by a flood, fire, earthquake or other disaster for which a declaration of disaster was or is proclaimed before, on or after July 1, 2017.]~~
(Deleted by amendment.)

Sec. 5. This act becomes effective on July 1, 2017.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 466 to Senate Bill No. 352 clarifies the provisions of the bill that are applicable for an event in which the governor proclaims either, a State-of-Emergency or Declaration-of-Disaster has occurred. The amendment clarifies that destroyed property must be the primary residence of the owner located specifically in the area in which the State-of-Emergency occurred and destroyed or partially destroyed as a direct result of that disaster or emergency. The structure of the program is amended to establish it as an exemption of an assessed value rather than the concept of an abatement.

The amendment also specifies that the exemption no longer apply if the single-family residence that is replaced has been sold.

Finally, it authorizes a County Assessor to approve up to a 3-year extension of the requirement that a building permit be pulled within 3 years.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 443.

SUMMARY—Provides for the issuance of certain orders for protection.
(BDR 3-839)

AN ACT relating to protective orders; defining certain terms relating to orders for protection; providing for the issuance and enforcement of certain orders for protection against a person who is alleged to have committed certain acts that constitute a high risk; authorizing ~~(an immediate)~~ a family or household member or law enforcement officer to obtain such orders for protection; prohibiting a person from filing an application for such an order under certain circumstances; authorizing a court to issue such an order for protection in certain circumstances; prohibiting a person against whom such an order for protection is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm ~~for ammunition~~ during the period the order is in effect; authorizing a person to request a hearing to move the court to dissolve such an order for protection; authorizing the renewal of such an order for protection; establishing procedures for persons subject to such an order for protection to remove certain information from the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to issue certain temporary or extended orders for protection. (NRS 33.020, 33.270, 33.400) Sections 2-16 of this bill enact similar provisions to provide for the issuance and enforcement of an emergency, ex parte or extended order for protection against a high-risk ~~(offender.)~~ individual. Section 3 defines a "high-risk ~~(offender.)~~ individual" as a person who poses a risk of causing personal injury to himself, herself or another by possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm ~~for ammunition~~. Section 7

authorizes ~~[an immediate]~~ a family or household member or a law enforcement officer to file a verified application to obtain certain orders for protection against a high-risk ~~[offender]~~ individual. Section 7 also prohibits a family or household member from filing an application for an ex parte order for protection against a high-risk individual under certain circumstances. Section 8 authorizes a court to issue the following orders for protection against a high-risk ~~[offender]~~ individual in certain circumstances: (1) an emergency order; (2) an ex parte order; or (3) an extended order. Section 8 also requires the court to schedule a hearing within 21 days after the application for an ex parte or extended order is filed and issue a copy of the application and notice of the hearing upon the high-risk ~~[offender]~~ individual. Sections 9 and 12 establish provisions relating to the contents of the order for protection and service on the high-risk ~~[offender]~~ individual.

Section 14 establishes that the issuance of an: (1) emergency order for protection is effective for 14 days; (2) ex parte order for protection is effective for 21 days; and (3) extended order for protection is effective for 1 year. Section 14 also authorizes the court to renew an extended order for protection. And finally, section 14 authorizes a high-risk ~~[offender]~~ individual, in certain circumstances, to request a hearing to move the court to dissolve the order for protection.

Section 9 provides that if such an order for protection is issued, the high-risk ~~[offender]~~ individual is prohibited from owning or having in his or her possession or under his or her custody or control, or purchasing or otherwise acquiring, any firearm, ~~[or ammunition]~~. Section 15 authorizes a high-risk individual to petition the court to remove certain information relating to the issuance of an order for protection. Section 16 provides that a person who violates such an order for protection is: (1) guilty of a misdemeanor; and (2) prohibited from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, a firearm, ~~[or ammunition]~~.

Section 10 establishes provisions relating to the surrender of the high-risk ~~[offender's]~~ individual's firearms, ~~[or ammunition]~~. Section 10 authorizes a law enforcement agency to charge and collect a fee from the high-risk offender for the collection and storage of a surrendered firearm or ammunition. Section 10 also establishes provisions relating to the return of a surrendered firearm ~~[or ammunition]~~ to the person when an order for protection expires.

Existing law provides that a person who commits certain crimes that are punishable as a felony in violation of certain orders for protection is subject to an additional penalty. (NRS 193.166) Section 18 includes a felony committed in violation of an emergency, ex parte or extended order for protection against a high-risk ~~[offender]~~ individual to the list of violations which result in an additional penalty.

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 3. "High-risk ~~offender~~ individual" means a person who poses a risk of causing personal injury to himself, herself or another person by possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm, ~~for ammunition.~~

Sec. 4. ~~["Immediate family"]~~ "Family or household member" means ~~for a person who is~~, with respect to a high-risk individual, any:

1. Person related by blood, adoption or marriage, ~~within the second degree of consanguinity or affinity~~ to a high-risk ~~offender~~ individual;

2. Person who has a child in common with a high-risk individual, regardless of whether the person has been married to the high-risk individual or has lived together with the high-risk individual at any time;

3. Person who resides with a high-risk individual or has resided with a high-risk individual within the past year;

4. Domestic partner of a high-risk individual;

5. Person who has a biological or legal parent and child relationship with a high-risk individual, including, without limitation, a natural parent, adoptive parent, stepparent, stepchild, grandparent or grandchild; or

6. Person who is acting or has acted as a high-risk individual's guardian.

Sec. 5. "Order for protection against a high-risk ~~offender~~ individual" means an order issued pursuant to section 8 of this act.

Sec. 6. ~~["A person is a high-risk offender if her or she commits any of the following acts:~~

~~1. A threat of violence or act of violence against a person within the immediately preceding 6 months;~~

~~2. A threat of violence or act of violence directed toward himself or herself within the immediately preceding 6 months;~~

~~3. A violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020; or~~

~~4. A pattern of violent acts or violent threats within the immediately preceding 12 months, including, without limitation, threats of violence or acts of violence by the person directed toward himself, herself or another person.]~~

(Deleted by amendment.)

Sec. 7. 1. A law enforcement officer who has ~~reasonable~~ probable cause to believe that a person is a high-risk ~~offender~~ individual may file a verified application for an emergency order for protection against a high-risk ~~offender~~ individual against that person.

2. ~~["An immediate"]~~ A family or household member who believes, or a law enforcement officer who ~~believes~~ has probable cause to believe, there is a substantial likelihood that a person will, in the near future, be a high-risk ~~offender~~ individual may file a verified application for an ex parte order for protection against a high-risk ~~offender~~ individual against that person. Any

family or household member who files a verified application for an ex parte order, who knows or has reason to know that such an application is false or who files such an application with the intent to harass the person who is the subject of the application, is guilty of a misdemeanor.

3. ~~{An immediate}~~ A family or household member who reasonably believes, or a law enforcement officer who ~~reasonably believes~~ has probable cause to believe that a person is a high-risk ~~offender~~ individual may file a verified application for an extended order for protection against a high-risk ~~offender~~ individual against that person.

4. The verified application must include, without limitation:

- (a) The name of the person seeking the order;
- (b) The name and address, if known, of the person who is allegedly a high-risk ~~offender~~ individual; and
- (c) A detailed description of the events that allegedly constituted the person being or becoming a high-risk ~~offender~~ individual and the dates on which these events occurred.

Sec. 8. 1. The court may issue an emergency order for protection against a high-risk ~~offender~~ individual if the court finds there is reasonable cause to believe from specific facts shown by a verified application that:

(a) The high-risk ~~offender~~ individual presents an immediate danger of causing personal injury to himself, herself or another person by possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm; ~~for ammunition;~~ and

(b) Less restrictive options have been exhausted or are not effective.

2. The court may issue an ex parte order for protection against a high-risk ~~offender~~ individual if the court finds there is good cause to believe from specific facts shown by a verified application that:

(a) There is a substantial likelihood shown by a preponderance of the evidence that the high-risk ~~offender~~ individual will, in the near future, cause personal injury to himself, herself or another person by possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm; ~~for ammunition;~~ and

(b) Less restrictive options have been exhausted or are not effective.

3. The court may issue an extended order for protection against a high-risk ~~offender~~ individual if the court finds by clear and convincing evidence from specific facts shown by a verified application that:

(a) There is a substantial likelihood that the high-risk ~~offender~~ individual will cause personal injury to himself, herself or another person by possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm; ~~for ammunition;~~ and

(b) Less restrictive options have been exhausted or are not effective.

4. In determining whether to issue any order for protection against a high-risk ~~offender~~ individual, the court ~~{must}~~ may consider, without limitation, whether the high-risk ~~offender~~ individual:

(a) Committed any of the following acts ~~{described in section 6 of this act;}~~
 :

(1) A threat of violence or act of violence against a person within the immediately preceding 6 months;

(2) A threat of violence or act of violence directed toward himself or herself within the immediately preceding 6 months;

(3) A violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020; or

(4) A pattern of violent acts or violent threats within the immediately preceding 12 months, including, without limitation, threats of violence or acts of violence by the person directed toward himself, herself or another person;

(b) Has a prior felony conviction;

(c) Engaged in reckless use, display or brandishing of a firearm;

(d) Has a history of use, attempted use or threatened use of physical force against another person;

(e) Has problems with the abuse of alcohol or drugs; or

(f) Has recently acquired a firearm or other deadly weapon.

5. The court may require the applicant or the high-risk ~~{offender;}~~ individual, or both, to appear before the court before determining whether to grant an emergency or ex parte order for protection against a high-risk ~~{offender;}~~ individual.

6. An emergency or ex parte order for protection against a high-risk ~~{offender;}~~ individual may only be granted with ~~{or without}~~ notice to the high-risk ~~{offender;}~~ individual. An extended order for protection against a high-risk ~~{offender;}~~ individual may only be granted after notice to the high-risk ~~{offender;}~~ individual and a hearing on the application. A hearing on an application for an extended order for protection against a high-risk ~~{offender;}~~ individual must be held within 21 days after the day on which the application for the extended order for protection against a high-risk ~~{offender;}~~ individual is filed.

7. If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by ~~{an immediate family member or}~~ a law enforcement officer that the person is a high-risk ~~{offender;}~~ individual, the court may grant an emergency order for protection against the person.

8. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an emergency order for protection against a high-risk ~~{offender;}~~ individual pursuant to subsection 7.

9. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an emergency order for protection against a high-risk ~~{offender;}~~ individual pursuant to subsection 7.

10. The clerk of the court shall inform the applicant upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to section 15 of this act.

Sec. 9. 1. Each order for protection against a high-risk ~~offender~~ individual must include:

(a) A requirement that the high-risk ~~offender~~ individual surrender ~~or sell or transfer~~ any firearm ~~or ammunition~~ in his or her possession or under his or her custody or control in the manner set forth in section 10 of this act; and

(b) A prohibition on the high-risk ~~offender~~ individual against possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm ~~or ammunition~~ while the order is in effect.

2. The order for protection against a high-risk ~~offender~~ individual must:

(a) Include a provision ordering any law enforcement officer to arrest the person who is allegedly a high-risk ~~offender~~ individual, with or without a warrant, if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order;

(b) State the reasons for granting the order;

(c) Include instructions for surrendering ~~or selling or transferring~~ any ~~firearms or ammunition~~ firearm pursuant to paragraph ~~(b)~~ (a) of subsection 1;

(d) State the time and date on which the order expires; and

(e) Include the following statement:

WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an order for protection against a high-risk ~~offender~~ individual and any other crime that you may have committed in disobeying this order.

Sec. 10. 1. After a court orders a high-risk ~~offender~~ individual to surrender any firearm ~~or ammunition~~ pursuant to section 9 of this act, the high-risk ~~offender~~ individual shall, ~~not later than 24 hours~~ immediately after service of the order:

(a) Surrender any firearm ~~or ammunition~~ in his or her possession or under his or her custody or control to the appropriate law enforcement agency designated by the court in the order; or

(b) Surrender any firearm ~~or ammunition~~ in his or her possession under his or her custody or control to a person designated by the court in the order ~~or~~

~~(c) Sell or transfer any firearm or ammunition in his or her possession or under his or her custody or control to a licensed firearm dealer.~~

2. If the court orders the high-risk ~~offender~~ individual to surrender any firearm ~~or ammunition~~ to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the high-risk ~~offender~~ individual with a receipt which includes a description of

each firearm ~~and ammunition~~ surrendered and the high-risk ~~offender~~ individual shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm ~~or ammunition~~, provide the receipt to the court. The local law enforcement agency shall store any such firearm or may contract with a licensed firearm dealer to provide storage.

3. If the court orders the high-risk ~~offender~~ individual to surrender any firearm ~~or ammunition~~ to a person designated by the court pursuant to paragraph (b) of subsection 1, the high-risk ~~offender~~ individual shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm ~~or ammunition~~ to such a person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm ~~and ammunition~~ surrendered to the person.

4. ~~If the high risk offender sells or transfers any firearm or ammunition to a licensed firearm dealer that is subject to an order pursuant to paragraph (c) of subsection 1, the high risk offender shall, not later than 72 hours or 1 business day, whichever is later, after such a sale or transfer, provide the court and the appropriate local law enforcement agency a receipt of such sale or transfer and a written description of each firearm sold or transferred.~~

~~5.~~ If there is probable cause to believe that the high-risk ~~offender~~ individual has not surrendered ~~it~~, ~~sold or transferred~~ any firearm ~~or ammunition~~ in his or her possession or under his or her custody or control ~~within 24 hours~~, immediately after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the officer to enter and search any place where there is probable cause to believe any firearm ~~or ammunition~~ is located and seize the firearm ~~or ammunition~~.

~~6. A local law enforcement agency may charge and collect a fee from the high risk offender for the collection and storage of a firearm or ammunition pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency for such collection and storage.~~

~~7.~~ 5. A local law enforcement agency shall return any surrendered or seized firearm ~~or ammunition~~ to the high-risk ~~offender~~ individual not less than 14 days after the order expires.

6. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 11. 1. The clerk of the court shall provide each party, free of cost, with information about the:

(a) Availability of orders for protection against a high-risk ~~offender~~ individual;

(b) Procedure for filing an application for an order for protection against a high-risk ~~offender~~ individual; and

(c) Right to proceed without counsel.

2. The clerk of the court or other person designated by the court shall assist any party in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for an order for protection against a high-risk ~~offender~~ individual. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.

3. The clerk of the court shall not charge an applicant for an ex parte or extended order for protection against a high-risk ~~offender~~ individual for providing the applicant with a certified copy of the order for protection against a high-risk ~~offender~~ individual.

Sec. 12. 1. The court shall transmit, by the end of the next day after an order for protection against a high-risk ~~offender~~ individual is issued or renewed, a copy of the order to the appropriate law enforcement agency.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the high-risk ~~offender~~ individual personally with the order for protection against a high-risk ~~offender~~ individual and to file with or mail to the clerk of the court proof of service by the end of the next business day after service is made. Service of an application for an extended order for protection against a high-risk ~~offender~~ individual and the notice of hearing thereon must be served upon the high-risk ~~offender~~ individual pursuant to the Nevada Rules of Civil Procedure.

3. A law enforcement agency shall enforce an order for protection against a high-risk ~~offender~~ individual without regard to the county in which the order was issued.

4. The clerk of the court shall issue, without fee, a copy of the order for protection against a high-risk ~~offender~~ individual to the applicant or high-risk ~~offender~~ individual.

Sec. 13. 1. Every order for protection against a high-risk ~~offender~~ individual must include a provision ordering any law enforcement officer to arrest the high-risk ~~offender~~ individual if the officer has probable cause to believe that the high-risk ~~offender~~ individual has violated any provision of the order. The law enforcement officer may make an arrest with or without a warrant and regardless of whether the violation occurs in the officer's presence.

2. If a law enforcement officer cannot verify that the high-risk ~~offender~~ individual was served with a copy of the application and the order for protection against a high-risk ~~offender~~ individual, the officer shall:

(a) Inform the high-risk ~~offender~~ individual of the specific terms and conditions of the order;

(b) Inform the high-risk ~~offender~~ individual that the high-risk ~~offender~~ individual now has notice of the provisions of the order and that a violation of the order will result in his or her arrest;

(c) Inform the high-risk ~~offender~~ individual of the location of the court that issued the original order and the hours during which the high-risk ~~offender~~ individual may obtain a copy of the order; and

(d) Inform the high-risk ~~offender~~ individual of the date and time set for a hearing on an application for an extended order for protection against a high-risk ~~offender~~ individual, if any.

3. Information concerning the terms and conditions of the order for protection against a high-risk ~~offender~~ individual, the date and time of the notice provided to the high-risk ~~offender~~ individual and the name and identifying number of the law enforcement officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

Sec. 14. 1. An emergency order for protection against a high-risk ~~offender~~ individual expires within such time, not to exceed 14 days, as the court fixes. Before the emergency order expires, if a verified application for an extended order for protection against a high-risk individual was filed pursuant to subsection 3 of section 7 of this act, the court shall hold a hearing on the application for the extended order and may issue such an order pursuant to subsection 3 of section 8 of this act.

2. An ex parte order for protection against a high-risk ~~offender~~ individual expires within such time, not to exceed 21 days, as the court fixes. Before the ex parte order expires, if a verified application for an extended order for protection against a high-risk individual was filed pursuant to subsection 3 of section 7 of this act, the court shall hold a hearing on the application for the extended order and may issue such an order pursuant to subsection 3 of section 8 of this act.

3. An extended order for protection against a high-risk ~~offender~~ individual expires within such time, not to exceed 1 year, as the court fixes.

4. The family or household member or law enforcement officer who filed the verified application or the high-risk ~~offender~~ individual may request in writing one hearing to move the court to dissolve the order for protection against a high-risk ~~offender~~ individual. If the court finds that there is no longer clear and convincing evidence that the person is a high-risk ~~offender~~ individual, the court shall dissolve the order. The high-risk ~~offender~~ individual may request a hearing to move the court to dissolve the order after a renewal pursuant to subsection 5.

5. ~~The~~ Not less than 3 months before the expiration of an extended order for protection against a high-risk individual and upon petition by a family or household member or law enforcement officer, the court may, after notice and a hearing, renew an extended order for protection against a high-risk ~~offender~~ individual. If the court finds that there is clear and convincing evidence that the person is a high-risk ~~offender~~ individual, the court may renew the order. The renewal of such an order expires within such time, not to exceed 1 year, as the court fixes.

Sec. 15. 1. Any time that a court issues or renews an order for protection against a high-risk ~~offender~~ individual and any time that a person serves such an order or receives any information or takes any other action

pursuant to sections 2 to 16, inclusive, of this act, the person shall by the end of the next business day:

~~1.1~~ (a) Cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository; and

~~1.2~~ (b) Transmit a copy of the order to the Attorney General.

2. If the Central Repository receives any information described in subsection 1, the person who is the subject of the information may petition the court for an order declaring that the basis for the information transmitted no longer exists.

3. A petition brought pursuant to subsection 2 must be filed in the court which issued the order for protection against a high-risk individual.

4. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

(a) The basis for the high-risk protection order concerning the petitioner no longer exists;

(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and

(c) Granting the petition requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

5. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

6. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 5, the Central Repository shall take reasonable steps to ensure that the information concerning the petitioner is removed from the Central Repository.

7. If the Central Repository fails to remove the information as provided in subsection 6, the petitioner may bring an action to compel the removal of the information. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

8. If a petition brought pursuant to subsection 2 is denied, the petitioner may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 16. A person who intentionally violates an order for protection against a high-risk ~~offender~~ individual is:

1. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, guilty of a misdemeanor; and

2. Prohibited from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, a firearm ~~for ammunition~~ for a period of 5 years.

Sec. 17. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court

or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

- (a) To give, upon their request, instructions to a jury then deliberating on their verdict.
- (b) To receive a verdict or discharge a jury.
- (c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.
- (d) To receive communications by telephone and for the issuance of ~~{a}~~ ;
 - (1) A temporary order pursuant to subsection 5 of NRS 33.020 ~~{-}~~ ; or
 - (2) *An emergency order for protection against a high-risk ~~{offender}~~ individual pursuant to subsection 7 of section 8 of this act.*

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

Sec. 18. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

- (a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;
- (b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;
- (c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;
- (d) *An emergency, ex parte or extended order for protection against a high-risk ~~{offender}~~ individual issued pursuant to section 8 of this act;*

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

~~{(e)}~~ (f) A temporary or extended order issued pursuant to NRS 200.378; or

~~{(f)}~~ (g) A temporary or extended order issued pursuant to NRS 200.591, shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise

provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

- (a) Must not exceed the sentence imposed for the crime; and
- (b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 19. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

- (a) Is 21 years of age or older;
 - (b) Is not prohibited from possessing a firearm pursuant to NRS 202.360;
- and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➡ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

- (a) Has an outstanding warrant for his or her arrest.
- (b) Has been judicially declared incompetent or insane.
- (c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.
- (d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) *Is currently subject to an order for protection against a high-risk offender.* ~~offender.~~ individual.

(i) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

~~{{(i)}}~~ (j) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

- (1) Withholding of the entry of judgment for a conviction of a felony; or
- (2) Suspension of sentence for the conviction of a felony.

~~{{(k)}}~~ (k) Has made a false statement on any application for a permit or for the renewal of a permit.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(g) A nonrefundable fee set by the sheriff not to exceed \$60.

Sec. 20. This act becomes effective on July 1, 2018.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 443 to Senate Bill No. 387 changes the term "offender" to "individual" throughout the bill relating to a person who is subject to an order for protection against a high-risk individual; revises the list of persons who may petition the court for such a protective order to include certain members of the high-risk individual's household; provides that a person who files a petition for such an order falsely or with the intent to harass is guilty of a misdemeanor; adds certain evidentiary requirements regarding these orders; allows law enforcement to contract with a licensed firearm dealer for the storage of firearms and removes provisions regarding the removal of ammunition; provides for hearings prior to the expiration of emergency orders in certain circumstances; sets forth provisions whereby a person who has been subject to an order of protection against a high-risk individual may petition the court for an order declaring that the basis for the order no longer exists and provides that, if the court grants the petition, the Central Repository of Criminal Records will remove information on the petitioner from its files. It additionally makes the effective date of the bill July 1, 2018.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 330.

SUMMARY—Revises provisions relating to ~~[the medical use of marijuana or]~~ industrial hemp. (BDR ~~[54-53]~~ 49-53)

AN ACT relating to ~~[health; authorizing the medical use of marijuana or industrial hemp by a provider of health care or massage therapist on a patient or client; prohibiting disciplinary action against a provider of health care or massage therapist for administering or recommending the use of marijuana or industrial hemp; revising the medical conditions for which a person may obtain a registry identification card;]~~ industrial hemp; authorizing the growth and handling of industrial hemp and the production of agricultural hemp seed in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Existing law exempts a person who holds a valid registry identification card from state prosecution for the possession, delivery and production of marijuana. (NRS 453A.200) Section 1 of this bill authorizes a provider of health care or massage therapist to: (1) administer a marijuana-infused product or a similar product containing industrial hemp to a patient or client if the patient or client provides the product for administration; and (2) recommend the use of marijuana or industrial hemp by a patient or client to treat a condition. Section 1 also exempts a provider of health care or massage therapist from certain crimes for making such an administration or recommendation. Finally, section 1 prohibits a professional licensing board~~

~~from taking disciplinary action against a provider of health care or massage therapist for making such an administration or recommendation.~~

~~Existing law authorizes a person to obtain a registry identification card if, in addition to other requirements, the person submits valid, written documentation from the person's attending physician stating that the person has been diagnosed with a chronic or debilitating medical condition. (NRS 453A.210) Section 3 of this bill includes opioid addiction within the definition of "chronic or debilitating medical condition." (NRS 453A.050).~~

Existing law authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp for purposes of research conducted under an agricultural pilot program or for other agricultural or academic research. (NRS 557.070) Sections 2-21 of this bill create a separate program for the growth and cultivation of industrial hemp and produce agricultural hemp seed in this State. Section 12 of this bill requires a person who wishes to grow or handle industrial hemp or produce agricultural hemp seed to register with the Department. Sections 13-17 of this bill establish certain registration requirements for such growers, handlers and producers. Section 19 of this bill requires the testing of commodities or products made using industrial hemp by an independent testing laboratory. Section 24 of this bill allows a facility for the production of edible marijuana products or marijuana-infused products and a medical marijuana dispensary to acquire industrial hemp from a registered grower or handler. Section 24 also allows a facility for the production of edible marijuana products or marijuana-infused products to use industrial hemp to manufacture edible marijuana products and marijuana-infused products. Finally, Section 24 allows a medical marijuana dispensary to dispense industrial hemp and edible marijuana products and marijuana-infused products containing industrial hemp. Section 25 of this bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations setting forth minimum requirements for industrial hemp which is used by a facility for the production of edible marijuana products or marijuana-infused products to manufacture such products or which is dispensed by a medical marijuana dispensary.

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

Delete existing sections 1 through 4 of this bill and replace with the following new sections 1 through 26:

Section 1. Chapter 557 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. As used in sections 2 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Agricultural hemp seed" means the seed of any plant of the genus *Cannabis* that:

1. Is sold to or intended to be sold to a grower for planting; or

2. Remains in an unprocessed or partially processed condition that is capable of germination.

Sec. 4. "Crop" means all industrial hemp grown by a grower.

Sec. 5. "Department" means the State Department of Agriculture.

Sec. 6. "Grower" means a person who is registered by the Department and produces industrial hemp.

Sec. 7. "Handler" means a person who is registered by the Department pursuant to sections 2 to 21, inclusive, of this act and receives industrial hemp for processing into commodities, products or agricultural hemp seed.

Sec. 8. 1. "Industrial hemp" means:

(a) Any plant of the genus Cannabis and any part of such a plant other than a seed, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis; and

(b) A seed of any plant of the genus Cannabis that:

(1) Is part of a crop;

(2) Is retained by a grower for future planting;

(3) Is agricultural hemp seed;

(4) Is intended for processing into or for use as agricultural hemp seed;

or

(5) Has been processed in a manner that renders it incapable of germination.

2. "Industrial hemp" does not include any commodity or product made using industrial hemp.

Sec. 9. "Producer" means a person who is registered by the Department pursuant to sections 2 to 21, inclusive, of this act and produces agricultural hemp seed.

Sec. 10. "THC" has the meaning ascribed to it in NRS 453A.155.

Sec. 11. The provisions of sections 2 to 21, inclusive, of this act do not apply to the Department or an institution of higher education which grows or cultivates industrial hemp pursuant to NRS 557.010 to 557.080, inclusive.

Sec. 12. 1. A person shall not grow or handle industrial hemp or produce agricultural hemp seed unless the person is registered with the Department as a grower, handler or producer, as applicable.

2. A person who wishes to grow or handle industrial hemp must register with the Department as a grower or handler, as applicable.

3. A person who wishes to produce agricultural hemp seed must register with the Department as a producer unless the person is:

(a) A grower registered pursuant to subsection 2 who retains agricultural hemp seed solely pursuant to subsection 3 of section 17 of this act; or

(b) A grower or handler registered pursuant to subsection 2 who processes seeds of any plant of the genus Cannabis which are incapable of germination into commodities or products.

↪ A person may not register as a producer unless the person is also registered as a grower or handler.

4. A person who wishes to register with the Department as a grower, handler or producer must submit to the Department the fee established pursuant to subsection 7 and an application, on a form prescribed by the Department, which includes:

(a) The name and address of the applicant;

(b) The name and address of the applicant's business in which industrial hemp or agricultural hemp seed will be grown, handled or produced, if different than that of the applicant; and

(c) Such other information as the Department may require by regulation.

5. Registration as a grower, handler or producer expires on December 31 of each year and may be renewed upon submission of an application for renewal containing such information as the Department may require by regulation.

6. Registration as a grower, handler or producer is not transferable. If a grower, handler or producer changes its business name or the ownership of the grower, handler or producer changes, the grower, handler or producer must obtain a new registration pursuant to sections 2 to 21, inclusive, of this act.

7. The Department shall establish by regulation fees for the issuance and renewal of registration as a grower, handler or producer in an amount necessary to cover the costs of carrying out sections 2 to 21, inclusive, of this act.

Sec. 13. 1. In addition to any other requirements set forth in sections 2 to 21, inclusive, of this act, an applicant for registration or the renewal of a registration as a grower, handler or producer shall:

(a) Include the social security number of the applicant in the application submitted to the Department.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Department.

3. Registration as a grower, handler or producer may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is registered as a grower, handler or producer, the Department shall deem the registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department shall reinstate the registration of a grower, handler or producer that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. 1. In addition to any other requirements set forth in sections 2 to 21, inclusive, of this act, an applicant for the renewal of a registration as a grower, handler or producer must indicate in the application submitted to the Department whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. Registration as a grower, handler or producer may not be renewed by the Department if:

(a) The applicant fails to submit the information required by subsection 1;
or

(b) The State Controller has informed the Department pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 16. 1. A grower or handler shall keep such records as the Department may prescribe by regulation and, upon 3 days' notice, make such records available to the Department for inspection during normal business hours. The Department may inspect records pursuant to this subsection to determine whether a person has complied with the provisions of sections 2 to 21, inclusive, of this act, the regulations adopted pursuant thereto and any lawful order of the Department.

2. The Department may inspect any growing crop of a grower and take a representative sample for analysis in the field. If the testing of such a sample in the field determines that the crop contains a THC concentration of more than 0.3 percent on a dry weight basis, the Department may detain, seize or embargo the crop.

Sec. 17. 1. Each grower shall provide the Department with a description of the property on which the crop of the grower is or will be located. Such a description must be in a manner prescribed by the Department and include, without limitation, global positioning system coordinates.

2. A grower may use any method for the propagation of industrial hemp to produce industrial hemp, including, without limitation, planting seeds or starts, using clones or cuttings or cultivating industrial hemp in a greenhouse.

3. A grower may retain agricultural hemp seed for the purpose of propagating industrial hemp in future years.

Sec. 18. 1. The Department may adopt regulations establishing quality standards and requirements for the packaging and labeling of agricultural hemp seed.

2. A producer shall comply with:

(a) Any regulation adopted by the Department pursuant to subsection 1; and

(b) The provisions of NRS 587.015 to 587.123, inclusive, and any regulations adopted pursuant thereto.

3. The Department shall provide adequate information to growers to identify producers from which a grower may purchase agricultural hemp seed.

Sec. 19. 1. A grower, handler or producer may submit industrial hemp or a commodity or product made using industrial hemp to an independent testing laboratory for testing pursuant to this section and an independent testing laboratory may perform such testing.

2. A handler may not sell a commodity or product made using industrial hemp which is intended for human consumption unless the commodity or product has been submitted to an independent testing laboratory for testing and the independent testing laboratory has confirmed that the commodity or product satisfies the standards established by the Department for the content and quality of industrial hemp.

3. The Department shall adopt regulations establishing protocols and procedures for the testing of commodities and products made using industrial

hemp, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing.

4. The Department may adopt regulations requiring the submission of a sample of a crop of industrial hemp by a grower to an independent testing laboratory to determine whether the crop has a THC concentration of not more than 0.3 percent on a dry weight basis. The regulations may include, without limitation:

(a) Protocols and procedures for the testing of a crop, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing; and

(b) A requirement that an independent testing laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.

5. As used in this section:

(a) "Independent testing laboratory" means a facility certified as an independent testing laboratory pursuant to NRS 453A.368.

(b) "Intended for human consumption" means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

Sec. 20. 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of sections 2 to 21, inclusive, of this act, the regulations adopted pursuant thereto or any lawful order of the Department.

2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of sections 2 to 21, inclusive, of this act, the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed \$2,500.

3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 21. Any person who grows or handles industrial hemp or produces agricultural hemp seed without being registered with the Department pursuant to section 12 of this act is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment. The prosecuting attorney and the Department may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.

Sec. 22. NRS 557.010 is hereby amended to read as follows:

557.010 As used in ~~this chapter,~~ NRS 557.010 to 557.080, inclusive, unless the context otherwise requires, the words and terms defined in NRS 557.020 to 557.060, inclusive, have the meanings ascribed to them in those sections.

Sec. 23. NRS 557.080 is hereby amended to read as follows:

557.080 The State Board of Agriculture may adopt regulations to carry out the provisions of ~~[this chapter.]~~ NRS 557.010 to 557.080, inclusive, including, without limitation, regulations necessary to:

1. Establish and carry out an agricultural pilot program;
2. Provide for the certification and registration of sites used for growing or cultivating industrial hemp; and
3. Restrict or prohibit the use or processing of industrial hemp for the creation, manufacture, sale or use of cannabidiol or any compound, salt, derivative, mixture or preparation of cannabidiol.

Sec. 24. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

- (a) For the oversight of the medical marijuana establishment; and
- (b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

- (a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

- (b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

↪ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

- (a) Directly or indirectly assist patients who possess valid registry identification cards; and

- (b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers.

↪ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is

permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

8. A facility for the production of edible marijuana products or marijuana-infused products and a medical marijuana dispensary may acquire industrial hemp, as defined in section 8 of this act, from a grower or handler registered by the State Department of Agriculture pursuant to sections 2 to 21, inclusive, of this act. A facility for the production of edible marijuana products or marijuana-infused products may use industrial hemp to manufacture edible marijuana products and marijuana-infused products. A medical marijuana dispensary may dispense industrial hemp and edible marijuana products and marijuana-infused products manufactured using industrial hemp.

Sec. 25. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards and letters of approval.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card or letter of approval has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

(g) Minimum requirements for industrial hemp, as defined in section 8 of this act, which is used by a facility for the production of edible marijuana products or marijuana-infused products to manufacture edible marijuana products or marijuana-infused products or dispensed by a medical marijuana dispensary.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana

establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 26. 1. This act becomes effective on July 1, 2017.

2. Sections 13 and 14 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children.
~~are repealed by the Congress of the United States.~~

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 330 to Senate Bill No. 396 deletes provisions of the bill addressing marijuana and instead authorizes the growth and handling of industrial hemp and the production of agricultural hemp seed. The State Department of Agriculture and, in regard to the use of hemp in marijuana-infused products, the Division of Public and Behavioral Health will oversee the growth and handling of hemp.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 217.

SUMMARY—Establishes various provisions relating to the use of blockchain technology. (BDR 59-158)

AN ACT relating to electronic transactions; recognizing ~~and authorizing the use of~~ blockchain technology ~~as a type of electronic record for the purposes of the Uniform Electronic Transactions Act~~; prohibiting a local government from taxing or imposing restrictions upon the use of a blockchain; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives legal recognition to electronic records, signatures and contracts that comply with certain requirements and allows an electronic record or signature to satisfy a requirement for a written record or signature in certain circumstances. (NRS 719.240-719.350) ~~(Sections 2-10)~~ Section 1 of this bill ~~provide similarly for the legal recognition of the use of blockchain technology~~ defines the term "blockchain," and section 3 of this bill includes

blockchain within the definition of electronic record for similar purposes. ~~[Section 11]~~ Sections 4 and 6 of this bill ~~[prohibits]~~ prohibit a local government from: (1) imposing a tax or fee on the use of a blockchain; (2) requiring a certificate, license or permit to use a blockchain; and (3) imposing any other requirement relating to the use of a blockchain.

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

Delete existing sections 1 through 14 of this bill and replace with the following new sections 1 through 8:

Section 1. Chapter 719 of NRS is hereby amended by adding thereto a new section to read as follows:

"Blockchain" means an electronic record created by the use of a decentralized method by multiple parties to verify and store a digital record of transactions which is secured by the use of a cryptographic hash of previous transaction information.

Sec. 2. NRS 719.020 is hereby amended to read as follows:

719.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 719.030 to 719.180, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.

Sec. 3. NRS 719.090 is hereby amended to read as follows:

719.090 "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means. The term includes, without limitation, a blockchain.

Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners shall not:

(a) Impose any tax or fee on the use of a blockchain by any person or entity;
(b) Require any person or entity to obtain from the board of county commissioners any certificate, license or permit to use a blockchain; or
(c) Impose any other requirement relating to the use of a blockchain by any person or entity.

2. Nothing in this section prohibits a county from using a blockchain in the performance of its powers or duties in a manner not inconsistent with the provisions of chapter 719 of NRS.

3. As used in this section, "blockchain" has the meaning ascribed to it in section 1 of this act.

Sec. 5. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, and section 4 of this act, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of an incorporated city, whether organized under general law or special charter, shall not:

(a) Impose any tax or fee on the use of a blockchain by any person or entity;

(b) Require any person or entity to obtain from the incorporated city any certificate, license or permit to use a blockchain; or

(c) Impose any other requirement relating to the use of a blockchain by any person or entity.

2. Nothing in this section prohibits an incorporated city from using a blockchain in the performance of its powers or duties in a manner not inconsistent with the provisions of chapter 719 of NRS.

3. As used in this section, "blockchain" has the meaning ascribed to it in section 1 of this act.

Sec. 7. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, and section 6 of this act, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and
- (4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 8. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 217 to Senate Bill No. 398 defines blockchain in chapter 719 of NRS and includes the term within the definition of electronic record for the purposes of the Uniform Electronic Transactions Act; deletes language in the original bill that referred to contracts, and relocates prohibitions contained in the original bill on local governments imposing taxes or fees on the use of blockchain.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 462.

SUMMARY—Restricts the use of ~~[solitary confinement]~~ certain disciplinary action on persons in confinement. (BDR 16-1087)

AN ACT relating to the administration of justice; restricting the use of solitary confinement on persons who are in confinement; establishing procedures for the use of disciplinary segregation by the Department of Corrections or a private facility or institution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes the use of corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children only if all other less restrictive options have been exhausted and only to: (1) modify the negative behavior of the child; (2) hold the child accountable for a violation of a rule of the facility; or (3) ensure the safety of the child, the staff or others or to ensure the security of the facility. Existing law also: (1) specifies certain actions that must be taken with respect to a child subjected to corrective room restriction; (2) provides that if a child is subjected to corrective room restriction, the period of corrective room restriction must be the minimum time required to address the negative behavior, rule violation or threat; and (3) provides that a child must not be subjected to corrective room restriction for more than 72 consecutive hours. (NRS 62B.215, 62.505) Section 7 of this bill repeals these provisions of existing law, and sections 1 and 2 of this bill replace those provisions with restrictions on the use of solitary confinement on a child who is detained in a state, local or regional facility for the detention of children.~~

~~[Sections 1 and 2 prohibit]~~ Section 3 of this bill prohibits the Department of Corrections or a private facility or institution from imposing solitary confinement on a person confined in a prison: (1) as part of a disciplinary sanction unless the Department or private facility or institution provides written notice and a hearing for the offender; and (2) solely on the basis of the mental illness or impairment of the person. Section 3 establishes the procedure for a hearing for the purpose of addressing a disciplinary sanction and imposing a disciplinary segregation. Section 3 requires the Department or private facility or institution to take certain actions if it is known or suspected that a mental health or medical condition caused the alleged violation which is the basis for the hearing. Section 3 also authorizes an offender to request placement in solitary confinement under certain circumstances. If the Department or private facility or institution imposes disciplinary segregation on the offender, section 3 requires that the period of disciplinary segregation:

(1) be the minimum time required to address the disciplinary sanction or threat of harm; and (2) not exceed certain periods based on the seriousness of the offense. Section 3 requires the Department or private facility or institution to provide certain provisions and accommodations to an offender who is subject to disciplinary segregation. Under certain circumstances, an offender who is subject to disciplinary segregation is authorized to petition the warden of the institution or facility for early release from disciplinary segregation.

Section 4 of this bill prohibits the use of solitary confinement on a ~~child~~ prisoner who is detained in a ~~state, local or regional facility for the detention of children,~~ county, city or town jail or other detention facility unless: (1) the ~~child~~ prisoner is not a ~~child~~ person with serious mental illness or other significant mental impairment; (2) the ~~child~~ prisoner presents a serious and immediate risk of harm to himself or herself, staff or others or to the security of the facility; and (3) all other less-restrictive options have been exhausted. ~~Sections 1 and 2 further prohibit~~ Section 4 further prohibits the use of solitary confinement for the purpose of disciplining or punishing a ~~child~~ prisoner and ~~provide~~ provides that if a ~~child~~ prisoner is held in solitary confinement, the period of solitary confinement must be the minimum time required to address the threat and must end if the mental or physical health of the ~~child~~ prisoner is compromised.

~~Sections 3 and 4 of this bill apply the same prohibitions and limitations on the use of solitary confinement on a person confined in a prison, jail or other detention facility, with similar exceptions.~~

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

Section 1. ~~Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A local or regional facility for the detention of children shall not:~~

~~(a) Use solitary confinement for the purpose of disciplining or punishing a child; or~~

~~(b) Subject a child with serious mental illness or other significant mental impairment to solitary confinement.~~

~~2. A child who is detained in a local or regional facility for the detention of children must not be subjected to solitary confinement unless:~~

~~(a) There are compelling reasons to believe that the child presents a serious and immediate threat of harm to himself or herself, staff or others or to the security of the facility; and~~

~~(b) All other less restrictive options have been exhausted.~~

~~3. A child who is held in solitary confinement may be held in solitary confinement only for the minimum time required to address the threat of harm to the child, staff or others or to the security of the facility, but only if the mental and physical health of the child is not compromised.~~

~~4. As used in this section:~~

~~(a) "Child with serious mental illness or other significant mental impairment" means a child with a substantial disorder of thought or mood that~~

~~significantly impairs judgment, behavior or capacity to recognize reality, which may include a child who is found to have current symptoms of, or who is currently receiving treatment for, any of the following:~~

~~— (1) A type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, including:~~

~~— (I) Schizophrenia, including all subtypes;~~

~~— (II) Delusional disorder;~~

~~— (III) Schizophreniform disorder;~~

~~— (IV) Schizoaffective disorder;~~

~~— (V) Brief psychotic disorder;~~

~~— (VI) Substance/Medication-induced psychotic disorder, excluding intoxication and withdrawal;~~

~~— (VII) Psychotic disorder not otherwise specified;~~

~~— (VIII) Major depressive disorder; or~~

~~— (IX) Bipolar and related disorders;~~

~~— (2) A mental disorder that includes being actively suicidal;~~

~~— (3) A serious mental illness that is frequently characterized by breaks with reality or perceptions of reality that leads the person to significant functional impairment;~~

~~— (4) An organic brain syndrome, which results in a significant functional impairment if not treated;~~

~~— (5) A severe personality disorder that is manifested by frequent episodes of psychosis or depression and results in significant functional impairment;~~

~~— (6) Any other serious mental illness or disorder that is worsened by confinement; or~~

~~— (7) Mental retardation with significant functional impairment;~~

~~— (b) "Solitary confinement" means the involuntary holding of a child in isolation from any other person, other than staff and an attorney, for 16 or more hours per day. (Deleted by amendment.)~~

Sec. 2. ~~{Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— 1. A facility shall not:~~

~~— (a) Use solitary confinement for the purpose of disciplining or punishing a child; or~~

~~— (b) Subject a child with serious mental illness or other significant mental impairment to solitary confinement.~~

~~— 2. A child who is detained in a facility must not be subjected to solitary confinement unless:~~

~~— (a) There are compelling reasons to believe that the child presents a serious and immediate threat of harm to himself or herself, staff or others or to the security of the facility; and~~

~~— (b) All other less restrictive options have been exhausted.~~

~~— 3. A child who is held in solitary confinement may be held in solitary confinement only for the minimum time required to address the threat of harm~~

~~to the child, staff or others or to the security of the facility, but only if the mental and physical health of the child is not compromised.~~

~~4. As used in this section:~~

~~(a) "Child with serious mental illness or other significant mental impairment" means a child with a substantial disorder of thought or mood that significantly impairs judgment, behavior or capacity to recognize reality, which may include a child who is found to have current symptoms of, or who is currently receiving treatment for, any of the following:~~

~~(1) A type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, including:~~

~~(I) Schizophrenia, including all subtypes;~~

~~(II) Delusional disorder;~~

~~(III) Schizophreniform disorder;~~

~~(IV) Schizoaffective disorder;~~

~~(V) Brief psychotic disorder;~~

~~(VI) Substance/Medication induced psychotic disorder, excluding intoxication and withdrawal;~~

~~(VII) Psychotic disorder not otherwise specified;~~

~~(VIII) Major depressive disorder; or~~

~~(IX) Bipolar and related disorders;~~

~~(2) A mental disorder that includes being actively suicidal;~~

~~(3) A serious mental illness that is frequently characterized by breaks with reality or perceptions of reality that leads the person to significant functional impairment;~~

~~(4) An organic brain syndrome, which results in a significant functional impairment if not treated;~~

~~(5) A severe personality disorder that is manifested by frequent episodes of psychosis or depression and results in significant functional impairment;~~

~~(6) Any other serious mental illness or disorder that is worsened by confinement; or~~

~~(7) Mental retardation with significant functional impairment.~~

~~(b) "Solitary confinement" means the involuntary holding of a child in isolation from any other person, other than staff and an attorney, for 16 or more hours per day.† (Deleted by amendment.)~~

Sec. 3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{The}~~ Except as otherwise provided in this section, the Department or ~~{a}~~ private facility or institution shall not:

(a) ~~{Use solitary confinement for the purpose of disciplining or punishing}~~ Place an offender {, or} in disciplinary segregation, unless the offender is found guilty of an infraction after notice and a hearing pursuant to subsection 3.

(b) Subject an offender with a serious mental illness or other significant mental impairment to solitary confinement ~~and~~ solely on the basis of such mental illness or impairment.

2. An offender who is confined in an institution or facility of the Department or a private facility or institution ~~must not be subjected to solitary confinement unless:~~

~~(a) There are compelling reasons to believe that the offender presents a serious and immediate threat of harm to himself or herself, staff or others or to the security of the institution or facility; and~~

~~(b) All other less restrictive options have been exhausted.~~

~~3. An offender may request placement in solitary confinement to protect his or her safety. The Department or private facility or institution may not assign the offender to solitary confinement unless the Department or private facility or institution performs an independent assessment of the threat to the offender, determines that the placement in solitary confinement is necessary to protect the safety of the offender and the offender is placed in solitary confinement only for the duration of the threat.~~

3. Upon the filing of a disciplinary action against an offender that may result in the sanction of disciplinary segregation of the offender, the Department or private facility or institution shall:

(a) Serve written notice of the charges against the offender which sets forth the reasons for the filing of the disciplinary action against the offender and a notice that the offender may appeal any discipline or punishment imposed on the offender as a result of a hearing unless the offender has agreed to a bargained plea.

(b) Hold a hearing concerning the charges against the offender not later than 15 days after the alleged violation or not later than 15 days after the completion of the investigation of the alleged violation, whichever is later. A hearing held pursuant to this paragraph must be presided over by an officer or employee of the Department or private facility or institution who has no direct involvement in the incident constituting an alleged violation. At the hearing, the offender must be allowed to call witnesses with substantive knowledge of the issues involved in the alleged violation and to present documentary evidence germane to the alleged violation. The presiding officer or employee may find that the offender committed an infraction of the rules of the institution or facility only if he or she finds, based on the evidence presented at the hearing, that there is evidence that the infraction occurred and that the offender more likely than not committed the infraction. The presiding officer or employee must provide to the offender a written statement of the evidence supporting the determination of the presiding officer or employee unless providing such a written statement would jeopardize the safety or security of the institution or facility or the safety of the staff or offenders in the institution or facility.

4. The Department or private facility or institution must refer the offender for a psychological evaluation before holding a hearing pursuant to

subsection 3 if, at any stage of the disciplinary process set forth in subsection 3:

(a) It is known or suspected that a mental health condition or medical condition of the offender was a substantial cause of the alleged violation;

(b) The offender is assigned to a mental health program of the Department or private facility or institution; or

(c) The offender has been diagnosed as seriously mentally ill.

➔ If, during the psychological evaluation, the staff of the Department or private facility or institution has reason to believe that the alleged violation by the offender may have been the result of a medical condition of the offender, including, without limitation, dementia, Alzheimer's disease, post-traumatic stress disorder or traumatic brain injury, the staff of the Department or private facility or institution must refer the offender to the medical staff of the institution or facility for a medical review and recommendation before holding a hearing pursuant to subsection 3.

5. If the sanction of disciplinary segregation is imposed on an offender, the offender:

(a) May, after serving one-half of the period for which the offender is sanctioned to disciplinary segregation, petition the warden of the institution or facility for release from disciplinary segregation if the offender has demonstrated good behavior. The offender must be advised that he or she may petition the warden pursuant to this paragraph.

(b) Must, while subject to disciplinary segregation, be:

(1) Allowed to wear his or her personal clothing;

(2) Served the same meal and ration as is provided to offenders in general population unless the offender is placed on a special diet for health or religious reasons;

(3) Allowed visitation;

(4) Allowed all first-class and legal mail addressed to the offender;

(5) Permitted a minimum of at least 5 hours of exercise per week, unless doing so would present a threat to the safety or security of the institution or facility;

(6) Given access to reading materials; and

(7) Given access to materials from the law library in the institution or facility.

6. If a medical professional diagnoses an offender as an offender with a serious mental illness or other significant impairment, the offender must be placed in solitary confinement for the safety of the offender, staff or any other person and the offender must be evaluated at his or her cell by a provider of health care at least once each day.

7. The period for which an offender ~~[who is]~~ may be held in ~~[solitary confinement may be held in solitary confinement only for]~~ disciplinary segregation must be the minimum time required to address the disciplinary sanction or threat of harm to the offender, staff or ~~[others]~~ any other person

or to the security of the institution or facility, ~~but only if the mental and physical health of the offender is not compromised.~~

~~4.] as defined by the regulations adopted by the Board. Such a period must not exceed:~~

~~(a) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category C felony by the laws of this State, 10 days.~~

~~(b) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category B felony by the laws of this State, 30 days.~~

~~(c) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category A felony by the laws of this State, 60 days.~~

~~(d) If the offender, while in the custody of the Department or private facility or institution, commits an assault or battery against an employee or contractor of the Department or a private facility or institution, 180 days.~~

~~(e) If the offender, while in the custody of the Department or private facility or institution, commits murder, 365 days.~~

~~8. As used in this section ~~is~~~~

~~(a) "Offender", "offender with serious mental illness or other significant mental impairment" means ~~a person with~~ an offender:~~

~~(a) With a substantial disorder of thought or mood that significantly impairs judgment, behavior or capacity to recognize reality, which may include, without limitation, a person who is found to have current symptoms of, or who is currently receiving treatment ~~for, any of the following:~~~~

~~(1) A] based on a type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association ~~including~~~~

~~(I) Schizophrenia, including all subtypes;~~

~~(II) Delusional disorder;~~

~~(III) Schizophreniform disorder;~~

~~(IV) Schizoaffective disorder;~~

~~(V) Brief psychotic disorder;~~

~~(VI) Substance/Medication-induced psychotic disorder, excluding intoxication and withdrawal;~~

~~(VII) Psychotic disorder not otherwise specified;~~

~~(VIII) Major depressive disorder; or~~

~~(IX) Bipolar and related disorders;~~

~~(2) A mental disorder that includes being actively suicidal;~~

~~(3) A serious mental illness that is frequently characterized by breaks with reality or perceptions of reality that leads the person to significant functional impairment;~~

~~(4) An organic brain syndrome, which results in a significant functional impairment if not treated;~~

~~— (5) A severe personality disorder that is manifested by frequent episodes of psychosis or depression and results in significant functional impairment;~~

~~— (6) Any other serious mental illness or disorder that is worsened by confinement; or~~

~~— (7) Mental retardation with significant functional impairment.~~

~~— (b) "Solitary confinement" means the involuntary holding of an offender in isolation from any other person, other than staff and an attorney, for 16 or more hours per day.; or~~

(b) Who is diagnosed with an intellectual disability, as defined in NRS 435.007.

Sec. 4. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A sheriff, chief of police or town marshal shall not:

(a) Use solitary confinement for the purpose of disciplining or punishing a prisoner; or

(b) Subject a prisoner with serious mental illness or other significant mental impairment to solitary confinement.

2. A prisoner who is confined in a county, city or town jail or detention facility must not be subjected to solitary confinement unless:

(a) There are compelling reasons to believe that the prisoner presents a serious and immediate threat of harm to himself or herself, staff or others or to the security of the jail or detention facility; and

(b) All other less-restrictive options have been exhausted.

3. A prisoner who is held in solitary confinement may be held in solitary confinement only for the minimum time required to address the threat of harm to the prisoner, staff or others or to the security of the jail or detention facility, but only if the mental and physical health of the prisoner is not compromised.

4. As used in this section ~~—~~

~~— (a) "Prisoner", "offender with a serious mental illness or other significant mental impairment" means a person with a substantial disorder of thought or mood that significantly impairs judgment, behavior or capacity to recognize reality, which may include a person who is found to have current symptoms of, or who is currently receiving treatment for, any of the following:~~

~~— (1) A type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, including:~~

~~— (I) Schizophrenia, including all subtypes;~~

~~— (II) Delusional disorder;~~

~~— (III) Schizophreniform disorder;~~

~~— (IV) Schizoaffective disorder;~~

~~— (V) Brief psychotic disorder;~~

~~— (VI) Substance/Medication-induced psychotic disorder, excluding intoxication and withdrawal;~~

~~— (VII) Psychotic disorder not otherwise specified;~~

~~— (VIII) Major depressive disorder; or~~

~~—(IX) Bipolar and related disorders;~~

~~—(2) A mental disorder that includes being actively suicidal;~~

~~—(3) A serious mental illness that is frequently characterized by breaks with reality or perceptions of reality that leads the person to significant functional impairment;~~

~~—(4) An organic brain syndrome, which results in a significant functional impairment if not treated;~~

~~—(5) A severe personality disorder that is manifested by frequent episodes of psychosis or depression and results in significant functional impairment;~~

~~—(6) Any other serious mental illness or disorder that is worsened by confinement; or~~

~~—(7) Mental retardation with significant functional impairment.~~

~~—(b) "Solitary confinement" means the involuntary holding of a prisoner in isolation from any other person, other than staff and an attorney, for 16 or more hours per day.} has the meaning ascribed to it in section 3 of this act.~~

Sec. 5. NRS 211.118 is hereby amended to read as follows:

211.118 As used in NRS 211.118 to 211.200, inclusive, *and section 4 of this act*, "public works" means the renovation, repair or cleaning of any street, drainage facility, road, sidewalk, public square, park or building, or cutting away hills, grading, putting in sewers or other work, which is authorized to be done by and for the use of any of the counties, cities or towns, and the expense of which is not to be borne exclusively by persons or property particularly benefited thereby. The term does not include any project to which the provisions of NRS 338.020 apply.

Sec. 6. NRS 211.150 is hereby amended to read as follows:

211.150 1. ~~{If}~~ *Except as otherwise provided in section 4 of this act*, if a prisoner is disobedient or disorderly, or does not faithfully perform his or her tasks, the officers having charge of the prisoner may take action to discipline and punish the prisoner. The action may include confinement to an individual cell separate from other prisoners for the protection of the staff of the jail and other prisoners. An officer who confines a prisoner to an individual cell for any reason shall report his or her action as soon as possible to the person in charge of the jail.

2. A report of the number of prisoners who are performing work and the amount and type of work performed must be submitted to the person in charge of the jail on the last day of each month.

Sec. 7. ~~{NRS 62B.215 and 63.505 are hereby repealed.}~~ (Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2017.

†

~~TEXT OF REPEALED SECTIONS~~

~~—62B.215—Conditions and limitations on use of corrective room restriction by certain facilities for detention of children; reporting requirement.~~

~~1. A child who is detained in a local or regional facility for the detention of children may be subjected to corrective room restriction only if all other less restrictive options have been exhausted and only for the purpose of:~~

- ~~(a) Modifying the negative behavior of the child;~~
- ~~(b) Holding the child accountable for a violation of a rule of the facility; or~~
- ~~(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.~~

~~2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.~~

~~3. A local or regional facility for the detention of children shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.~~

~~4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.~~

~~5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:~~

~~(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;~~

~~(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and~~

~~(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less restrictive option is available.~~

~~6. A local or regional facility for the detention of children shall not subject a child to corrective room restriction for more than 72 consecutive hours.~~

~~7. A local or regional facility for the detention of children shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.~~

~~8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:~~

- ~~(a) Administrative seclusion;~~
- ~~(b) Behavioral room confinement;~~

~~—(c) Corrective room rest; and~~

~~—(d) Room confinement.~~

~~—63.505 Conditions and limitations on use of corrective room restriction by facility; reporting requirement.~~

~~—1. A child who is detained in a facility may be subjected to corrective room restriction only if all other less restrictive options have been exhausted and only for the purpose of:~~

~~—(a) Modifying the negative behavior of the child;~~

~~—(b) Holding the child accountable for a violation of a rule of the facility; or~~

~~—(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.~~

~~—2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.~~

~~—3. A facility shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.~~

~~—4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.~~

~~—5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:~~

~~—(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;~~

~~—(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and~~

~~—(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less restrictive option is available.~~

~~—6. A facility shall not subject a child to corrective room restriction for more than 72 consecutive hours.~~

~~—7. A facility shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for more than 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.~~

~~8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:~~

- ~~(a) Administrative seclusion;~~
- ~~(b) Behavioral room confinement;~~
- ~~(c) Corrective room rest; and~~
- ~~(d) Room confinement.]~~

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 462 to Senate Bill No. 402 deletes all provisions of the bill relating to juveniles; establishes provisions governing the use of disciplinary segregation by the Department of Corrections, private facilities, to include required hearings for those who may be subject to disciplinary solitary confinement and to prohibit the use of solitary confinement strictly due to a person's mental illness or impairment; provides that an offender may request solitary confinement to protect his or her safety; requires that solitary confinement be limited to the shortest time possible to address the issue at hand; and provides a means for an offender to petition the warden of the facility for early release from disciplinary segregation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 463.

SUMMARY—Requires the establishment and use of ~~fa statewide~~ an animal abuser registry ~~in~~ website. (BDR 14-10)

AN ACT relating to abuse of animals; requiring the Director of the State Department of ~~Public Safety~~ Agriculture to contract with a nonprofit organization to establish ~~fa statewide~~ and maintain an animal abuser registry ~~in~~ website; requiring persons convicted of certain offenses against animals to register with the ~~fa statewide~~ animal abuser registry ~~in~~ website; requiring courts to notify certain defendants of the requirements for registration; ~~requiring the Department of Public Safety to establish,~~ setting forth certain requirements for ~~fa~~ the establishment and maintenance of the animal abuser registry website; imposing certain restrictions on the use of information obtained from the animal abuser registry website; requiring certain persons engaged in selling animals and adoption of animals to access the animal abuser registry website before selling an animal or allowing the adoption of an animal; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~18~~ 30.2 of this bill ~~creates the~~ requires the Director of the State Department of Agriculture to contract with a nonprofit organization to establish and maintain a statewide animal abuser registry ~~in the Central Repository for Nevada Records of Criminal History, and section 9~~ website. Section 30 of this bill requires ~~the establishment of an~~ a person convicted of certain felonies or gross misdemeanors related to animals to register with the

animal abuser registry website. ~~By the Central Repository.~~ A person may query the animal abuser registry website to access information about a person convicted of those offenses against animals for which registration is required. Sections ~~8 and 9 also~~, 30.6 and 30.8 of this bill provide certain prohibitions against misuse of the information ~~in~~ on the registry ~~and on the~~ website, and ~~limit~~ section 30.4 of this bill limits the amount of information that is available from the registry ~~and the~~ website. Section 30.4 sets forth the information a person required to register is required to provide, and provides that such information is limited to only that information which is a public record as a result of the person's conviction. Section 1 of this bill requires a court, upon conviction and sentencing a person to an offense against animals for which registration is required, to provide the defendant with notice of the requirements of registration.

~~[Sections 22 and 30 of this bill require registration in the statewide animal abuse registry in the Central Repository by each person who is convicted of: (1) a felony for a violation of the provision prohibiting certain acts relating to fighting between animals; (2) a felony for a violation of the provision prohibiting certain acts of animal cruelty; and (3) a misdemeanor for a violation of the provision prohibiting certain acts against an animal, including, without limitation, torture, maiming, abandoning, depriving of food or water or killing. (NRS 574.070, 574.100)]~~ Section 30 ~~also~~ provides that the person is prohibited from owning, possessing or caring for an animal for a period of: (1) 10 years for a felony conviction; and (2) 5 years for a gross misdemeanor conviction. A violation of this prohibition or failing to register with the ~~[statewide]~~ animal abuser registry website as required is a misdemeanor. Section ~~[25 of this bill]~~ 30 also provides that the period of required registration ~~also~~ lasts for 10 years for a felony conviction, and 5 years for a gross misdemeanor conviction.

Existing law imposes certain duties on operators of commercial establishments engaged in the business of selling animals and operators of animal shelters. (NRS 574.360-574.440) Section 31 of this bill requires the operator to access the animal abuser registry website before selling an animal to a person or allowing a person to adopt an animal, and prohibits the operator from selling an animal to or allowing adoption of an animal by a person prohibited by section 30 from owning, possessing or caring for an animal.

Existing law prohibits animal breeders from selling a dog or cat under certain circumstances. (NRS 574.356) Section 37 of this bill requires a breeder to access the animal abuser registry website before selling a dog or cat to a person, and prohibits the breeder from selling a dog or cat to a person prohibited by section 30 from owning, possessing or caring for an animal.

Existing law imposes certain duties and prohibitions on dealers of dogs or cats for resale and retailers of pets for resale. (NRS 574.450-574.510) Section 38 of this bill requires a dealer or retailer to access the animal abuser registry website before selling a dog or cat to a person, and prohibits the dealer

or retailer from selling a dog or cat to a person prohibited by section 30 from owning, possessing or caring for an animal.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a defendant is convicted of a felony or a gross misdemeanor for a violation of ~~[NRS 574.070 or 574.100 or a misdemeanor for a violation of subsection 1 of NRS 574.100.]~~ NRS 574.050 to 574.200, inclusive, the court shall, following the imposition of a sentence:

(a) Inform the defendant of the requirements for registration, including, without limitation:

(1) The duty to register with the ~~local law enforcement agency of the jurisdiction in which the defendant was convicted,~~ animal abuser registry website pursuant to section ~~[22]~~ 30 of this act.

(2) If the defendant changes his or her name or residence, the duty to notify the ~~[appropriate local law enforcement agencies]~~ animal abuser registry website pursuant to section ~~[24]~~ 30 of this act.

(3) The full period of registration required pursuant to section ~~[25]~~ 30 of this act.

(b) Require the defendant to read and sign a form stating that the requirements for registration have been explained and that the defendant understands the requirements for registration.

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (a) and (b) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to sections ~~[17 to 26]~~ 30 to 30.8, inclusive, of this act.

Sec. 2. ~~[Chapter 179B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 3. ~~[As used in sections 3 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act, have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 4. ~~["Animal abuser" means a person convicted of a:~~
~~1. Felony for a violation of NRS 574.070 or 574.100; or~~
~~2. Misdemeanor for a violation of subsection 1 of NRS 574.100.]~~ (Deleted by amendment.)

Sec. 5. ~~["Animal abuser website" means the website on the Internet established and maintained by the Department pursuant to section 9 of this act.]~~ (Deleted by amendment.)

Sec. 6. ~~["Record of animal abuser registration" has the meaning ascribed to it in section 19 of this act.]~~ (Deleted by amendment.)

Sec. 7. ~~["Statewide animal abuser registry" means the statewide registry of animal abusers established within the Central Repository pursuant to section 8 of this act.] (Deleted by amendment.)~~

Sec. 8. ~~[1. The Director shall establish within the Central Repository a statewide animal abuser registry that consists of the record of animal abuser registration for each animal abuser and all other information concerning each animal abuser that is obtained pursuant to law.~~

~~2. The statewide animal abuser registry must be organized so that a law enforcement officer may search the records of animal abuser registration in the registry by entering search information, including, without limitation:~~

~~(a) A name, alias, physical description or address of an animal abuser.~~

~~(b) A geographic location where an offense was committed.~~

~~(c) A species, breed or general physical description of an animal victim.~~

~~3. Except as otherwise provided in this subsection or by a specific statute, information in the statewide animal abuser registry may be accessed only by a law enforcement officer in the regular course of the law enforcement officer's duties and officers and employees of the Central Repository. The Director may permit a person access to information in the statewide animal abuser registry for the limited purposes of research or statistical analysis.~~

~~4. Information contained in the statewide animal abuser registry, including, without limitation, the record of animal abuser registration of an animal abuser, shall be deemed a record of criminal history only for the purposes of those provisions of chapter 179A of NRS that are consistent with the provisions of this chapter.] (Deleted by amendment.)~~

Sec. 9. ~~[1. The Department shall establish and maintain within the Central Repository an animal abuser website to provide the public with access to limited information contained in the statewide animal abuser registry in accordance with the procedures set forth in this section.~~

~~2. The animal abuser website is the source of record for information available to the public concerning animal abusers listed in the statewide animal abuser registry, and must:~~

~~(a) Be maintained in a manner that allows the public to obtain relevant information for each animal abuser by a single query for any name by the user;~~

~~(b) Include, to the extent practicable, links to educational resources relating to animal abuse;~~

~~(c) Include instructions on the manner in which a person may obtain a correction of information that the person contends is erroneous; and~~

~~(d) Include a warning that the information on the animal abuser website should not be used unlawfully to injure, harass or commit a crime against any person named in the registry and a notice that any such action may result in a civil or criminal penalty.~~

~~3. For each inquiry to the animal abuser website, the requester may provide:~~

~~(a) The name of the subject of the search;~~

~~(b) Any alias of the subject of the search; or~~

~~—(c) Any other information concerning the identity of the subject of the search that is deemed sufficient by the Department.~~

~~—4. For each inquiry to the animal abuser website made by the requester, the Central Repository shall:~~

~~—(a) Explain the requirements for registration of animal abusers pursuant to sections 17 to 26, inclusive, of this act; and~~

~~—(b) Explain that the Central Repository is prohibited by law from disclosing all information concerning animal abusers, even if those animal abusers are listed in the statewide animal abuser registry.~~

~~—5. If an animal abuser listed in the statewide animal abuser registry matches the information provided by the requester concerning the identity of the subject of the search, the Central Repository shall disclose to the requester information in the statewide animal abuser registry concerning the animal abuser in accordance with subsection 6.~~

~~—6. After each inquiry to the animal abuser website made by the requester, the Central Repository shall inform the requester that:~~

~~—(a) No animal abuser listed in the statewide animal abuser registry matches the information provided by the requester concerning the identity of the subject of the search;~~

~~—(b) The search of the statewide animal abuser registry has not produced information that is available to the public through the statewide animal abuser registry; or~~

~~—(c) An animal abuser listed in the statewide animal abuser registry matches the information provided by the requester concerning the identity of the subject of the search. Except as otherwise provided in subsection 7, if a search of the statewide animal abuser registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:~~

~~—(1) The name of the animal abuser and all aliases that the animal abuser has used or under which the animal abuser has been known.~~

~~—(2) A complete physical description of the animal abuser.~~

~~—(3) A current photograph of the animal abuser.~~

~~—(4) The year of birth of the animal abuser.~~

~~—(5) The following information for each offense for which the animal abuser has been convicted:~~

~~—(I) The offense that was committed, including a citation to and the text of the specific statute that the animal abuser violated.~~

~~—(II) The species of animal or animals involved in the offense for which the animal abuser was convicted.~~

~~—7. If a search of the statewide animal abuser registry results in a match pursuant to paragraph (c) of subsection 6, the Central Repository shall not provide the requester with:~~

~~—(a) The social security number of the animal abuser;~~

~~—(b) The address where the animal abuser resides;~~

~~—(c) Any reference to arrests of the animal abuser that did not result in conviction; and~~

~~—(d) Any other information that is included in the record of animal abuser registration for the animal abuser other than the information required pursuant to paragraph (c) of subsection 6.~~

~~—8. A person may not use any information obtained through the animal abuser website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.~~

~~—9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:~~

~~—(a) Accessing information in the statewide animal abuser registry pursuant to section 8 of this act;~~

~~—(b) Carrying out any duty pursuant to chapter 179D of NRS; or~~

~~—(c) Carrying out any duty pursuant to another provision of law.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 179B.100 is hereby amended to read as follows:~~

~~—179B.100 "Requester" means a person who requests information from the community notification website [.] or animal abuser website, as applicable.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 179B.270 is hereby amended to read as follows:~~

~~—179B.270 Except as otherwise authorized pursuant to specific statute, a person shall not use information obtained from the community notification website or the animal abuser website for any purpose related to any of the following:~~

~~—1. Insurance, including health insurance.~~

~~—2. Loans.~~

~~—3. Credit.~~

~~—4. Employment.~~

~~—5. Education, scholarships or fellowships.~~

~~—6. Housing or accommodations.~~

~~—7. Benefits, privileges or services provided by any business establishment.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 179B.280 is hereby amended to read as follows:~~

~~—179B.280 Any person who uses information obtained from the community notification website in violation of the provisions of NRS 179B.250 or 179B.270 or from the animal abuser website in violation of section 9 of this act or NRS 179B.270 is liable:~~

~~—1. In a civil action brought by or on behalf of a person injured by the violation, for damages, attorney's fees and costs incurred as the result of the violation; and~~

~~—2. In a civil action brought in the name of the State of Nevada by the Attorney General, for a civil penalty not to exceed \$25,000 and for the costs~~

~~of the action, including investigative costs and attorney's fees.] (Deleted by amendment.)~~

~~Sec. 13. [NRS 179B.285 is hereby amended to read as follows:~~

~~179B.285 In addition to any civil liability provided pursuant to NRS 179B.280, if any person uses information obtained from the community notification website or the animal abuser website to commit a crime punishable as:~~

~~1. A misdemeanor, the person is guilty of a gross misdemeanor.~~

~~2. A gross misdemeanor, the person is guilty of a category E felony and shall be punished as provided in NRS 193.130.] (Deleted by amendment.)~~

~~Sec. 14. [NRS 179B.290 is hereby amended to read as follows:~~

~~179B.290 1. If there is reasonable cause to believe that a person or group of persons has engaged in or is about to engage in any act or practice, or any pattern of acts or practices, which involves the use of information obtained from the community notification website or the animal abuser website and which violates any provision of this section, NRS 179B.250, 179B.270 or 179B.280, or section 9 of this act, the Attorney General may file an action for injunctive relief in the appropriate district court to prevent the occurrence or continuance of that act or practice or pattern of acts or practices.~~

~~2. An injunction pursuant to this section:~~

~~(a) May be issued without proof of actual damage sustained by any person; and~~

~~(b) Does not preclude or affect the availability of any other remedy including, without limitation, the criminal prosecution of a violator or the filing or maintenance of a civil action for damages or a civil penalty pursuant to NRS 179B.290.] (Deleted by amendment.)~~

~~Sec. 15. [NRS 179B.300 is hereby amended to read as follows:~~

~~179B.300 1. Information in the statewide registry [,] or the statewide animal abuser registry, including information in the community notification website [,] or the animal abuser website, that is accessed or disclosed pursuant to the provisions of this chapter must not reveal the name of an individual victim of an offense.~~

~~2. The Central Repository and its officers and employees are immune from criminal or civil liability for an act or omission relating to information obtained, maintained or disclosed pursuant to the provisions of this chapter, including, but not limited to, an act or omission relating to:~~

~~(a) The accuracy of information in the statewide registry [,] and the statewide animal abuser registry; or~~

~~(b) The disclosure of or the failure to disclose information in the statewide registry [,] or the statewide animal abuser registry.~~

~~3. A law enforcement agency and its officers and employees are immune from criminal or civil liability for an act or omission relating to information obtained pursuant to the provisions of this chapter, including, but not limited to, an act or omission relating to:~~

~~—(a) The accuracy of information obtained from the statewide registry [.] or the statewide animal abuser registry; or~~

~~—(b) The disclosure of or the failure to disclose information obtained from the statewide registry [.] or the statewide animal abuser registry. (Deleted by amendment.)~~

Sec. 16. ~~[Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as sections 17 to 26, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 17. ~~[As used in sections 17 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 18 and 19 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 18. ~~["Animal abuser" has the meaning ascribed to in in section 4 of this act.] (Deleted by amendment.)~~

Sec. 19. ~~["Record of animal abuser registration" means a record of animal abuser registration that contains the information required by section 20 of this act.] (Deleted by amendment.)~~

Sec. 20. ~~[1. A record of animal abuser registration must include, if the information is available:~~

~~—(a) Information identifying the animal abuser, including, without limitation:~~

~~—(1) The name of the animal abuser and all aliases that the animal abuser has used or under which he or she has been known;~~

~~—(2) A complete physical description of the animal abuser, a current photograph of the animal abuser and the fingerprints and palm prints of the animal abuser;~~

~~—(3) The date of birth and the social security number of the animal abuser;~~

~~—(4) The identification number from a driver's license or an identification card issued to the animal abuser by this State or any other jurisdiction and a photocopy of the driver's license or identification card;~~

~~—(5) Information indicating whether the DNA profile and DNA record of the animal abuser has been entered in CODIS; and~~

~~—(6) Any other information that identifies the animal abuser.~~

~~—(b) Except as otherwise provided in paragraph (c), information concerning the residence of the animal abuser, including, without limitation:~~

~~—(1) The address at which the animal abuser resides; and~~

~~—(2) The length of time the animal abuser has resided at that address.~~

~~—(c) If the animal abuser does not have a fixed residence, the address of any dwelling that is providing the animal abuser temporary shelter, or any other location where the animal abuser habitually sleeps, including, without limitation, the cross streets, intersection, direction and identifiable landmarks of the city, county, state and zip code of that location.~~

~~—(d) The following information for each offense for which the animal abuser has been convicted:~~

~~—(1) The court in which the animal abuser was convicted;~~

~~—(2) The offense for which the animal abuser was convicted; and~~
~~—(3) The species, breed and general physical description of each animal victim.~~

~~—2. As used in this section:~~

~~—(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.~~
~~—(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~
~~—(c) "DNA record" has the meaning ascribed to it in NRS 176.09116.]~~
 (Deleted by amendment.)

Sec. 21. ~~[1. Except as otherwise provided by a specific statute, the contents of a record of animal abuser registration:~~

~~—(a) Are confidential and not subject to inspection by the general public.~~
~~—(b) May be inspected only by a law enforcement officer during the regular course of the law enforcement officer's duties or by the offender named in the record of animal abuser registration.~~

~~—2. As used in this section, "law enforcement officer" includes, without limitation:~~

~~—(a) A prosecuting attorney or an attorney from the Office of the Attorney General;~~
~~—(b) A sheriff of a county or a sheriff's deputy;~~
~~—(c) An officer of a metropolitan police department or a police department of an incorporated city;~~
~~—(d) An officer of the Division;~~
~~—(e) An officer of the Department of Corrections;~~
~~—(f) An officer of a law enforcement agency from another jurisdiction; or~~
~~—(g) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the person is seeking information as part of a criminal investigation.]~~ (Deleted by amendment.)

Sec. 22. ~~[1. Each animal abuser shall register initially with the local law enforcement agency of the jurisdiction in which the animal abuser was convicted not later than 3 business days after:~~

~~—(a) The date on which the animal abuser is released from incarceration or confinement for the offense; or~~
~~—(b) If the animal abuser is not sentenced to a term of imprisonment for the offense, the date on which the animal abuser was sentenced for the offense.~~

~~—2. To register with a local law enforcement agency pursuant to this section, the animal abuser shall:~~

~~—(a) Appear personally at the office of the appropriate local law enforcement agency of the jurisdiction in which the animal abuser was convicted;~~
~~—(b) Provide all information that is requested by the local law enforcement agency, including, without limitation, fingerprints and palm prints and a photograph; and~~
~~—(c) Sign and date the record of animal abuser registration or any other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency.~~

~~3. After the animal abuser registers with the local law enforcement agency pursuant to this section, the local law enforcement agency shall immediately forward to the Central Repository the information collected, including the fingerprints and palm prints and a photograph of the animal abuser.~~

~~4. The Central Repository shall:~~

~~(a) If the Central Repository has not previously established a record of animal abuser registration for the animal abuser described in subsection 3, establish a record of animal abuser registration for the animal abuser in the statewide animal abuser registry established pursuant to section 8 of this act.~~

~~(b) If the Central Repository has previously established a record of animal abuser registration for the animal abuser described in subsection 3, periodically revise the record of animal abuser registration of the animal abuser.] (Deleted by amendment.)~~

Sec. 23. ~~[1. When an animal abuser registers with a local law enforcement agency pursuant to section 22 of this act or updates the registration as required pursuant to section 24 of this act:~~

~~(a) The animal abuser shall provide the local law enforcement agency with the following:~~

~~— (1) The name of the animal abuser and all aliases that the animal abuser has used or under which the animal abuser has been known, if any;~~

~~— (2) The social security number of the animal abuser; and~~

~~— (3) The address of any residence or location at which the animal abuser resides or will reside.~~

~~(b) The local law enforcement agency shall ensure that the record of animal abuser registration of the animal abuser includes, without limitation:~~

~~— (1) A complete physical description of the animal abuser, a current photograph of the animal abuser and the fingerprints and palm prints of the animal abuser;~~

~~— (2) The text of the provision of law defining each offense for which the animal abuser is required to register;~~

~~— (3) The criminal history of the animal abuser, including, without limitation:~~

~~— (I) The dates of all arrests and convictions of the animal abuser;~~

~~— (II) The status of parole, probation or supervised release of the animal abuser;~~

~~— (III) The status of the registration of the animal abuser; and~~

~~— (IV) The existence of any outstanding arrest warrants for the animal abuser;~~

~~— (4) Information indicating whether the DNA profile and DNA record of the animal abuser has been entered in CODIS; and~~

~~— (5) The identification number from a driver's license or an identification card issued to the animal abuser by this State or any other jurisdiction and a photocopy of the driver's license or identification card.~~

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

~~(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.~~

~~—(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

~~—(c) "DNA record" has the meaning ascribed to it in NRS 176.09116.]~~

~~(Deleted by amendment.)~~

~~Sec. 24. [1. An animal abuser registered pursuant to section 22 of this act who changes his or her name or residence shall, not later than 3 business days after the change of name or residence:~~

~~—(a) Appear in person in the jurisdiction in which the animal abuser resides; and~~

~~—(b) Provide all information concerning the change to the appropriate local law enforcement agency.~~

~~2. The local law enforcement agency shall immediately submit the information provided by an animal abuser pursuant to subsection 1 to the Central Repository.] (Deleted by amendment.)~~

~~Sec. 25. [1. An animal abuser shall comply with the provisions for registration during a period in which the animal abuser resides or is present within this State for the full period of registration provided in subsection 2.~~

~~2. The full period of registration is:~~

~~—(a) Ten years if the animal abuser was convicted of a felony for a violation of NRS 574.070 or 574.100; and~~

~~—(b) Five years if the animal abuser was convicted of a misdemeanor for a violation of subsection 1 of NRS 574.100;~~

~~—exclusive of any period during which the animal abuser is incarcerated or confined.] (Deleted by amendment.)~~

~~Sec. 26. [An animal abuser who:~~

~~1. Fails to register with a local law enforcement agency;~~

~~2. Fails to notify a local law enforcement agency of a change of name or residence pursuant to section 24 of this act;~~

~~3. Provides false or misleading information to the Central Repository or a local law enforcement agency; or~~

~~4. Otherwise violates the provisions of sections 17 to 26, inclusive, of this act;~~

~~— is guilty of a misdemeanor.] (Deleted by amendment.)~~

~~Sec. 27. [NRS 179D.075 is hereby amended to read as follows:~~

~~179D.075 "Registration" means registration as an offender or sex offender pursuant to NRS 179D.010 to 179D.550, inclusive [.] , or registration as an animal abuser pursuant to sections 17 to 26, inclusive, of this act, as applicable.] (Deleted by amendment.)~~

~~Sec. 28. [NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,~~

~~119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163,~~
~~126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712,~~
~~136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156,~~
~~176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,~~
~~179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,~~
~~205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,~~
~~213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,~~
~~218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495,~~
~~228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113,~~
~~239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250,~~
~~239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,~~
~~250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,~~
~~281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,~~
~~289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,~~
~~293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,~~
~~338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,~~
~~353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,~~
~~360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290,~~
~~378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455,~~
~~388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,~~
~~392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465,~~
~~396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886,~~
~~408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342,~~
~~422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280,~~
~~432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.260, 439.840,~~
~~439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,~~
~~445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,~~
~~453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,~~
~~459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,~~
~~463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363,~~
~~483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031,~~
~~561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,~~
~~599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,~~
~~616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137,~~
~~624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,~~
~~628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555,~~
~~631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,~~
~~634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089,~~
~~639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745,~~
~~640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760,~~
~~642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,~~
~~645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300,~~
~~645E.375, 645C.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,~~
~~648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130,~~
~~665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,~~

~~676A.270, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 682A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 21 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

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

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

Sec. 29. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 ~~and~~ to 31, inclusive, of this act.

Sec. 30. 1. A person who is convicted of a felony for ~~for~~ any violation of ~~[NRS 574.070 or 574.100.]~~ the provisions of NRS 574.050 to 574.200, inclusive:

(a) Shall register with ~~the local law enforcement agency~~ the animal abuse registry website established and maintained pursuant to ~~section 22~~ sections 30.4 and 30.6 of this act.

(b) Shall not own, possess or care for any animal for 10 years beginning on the date of conviction, exclusive of any period during which the ~~animal abuser~~ person is incarcerated or confined for such conviction.

2. A person who is convicted of a gross misdemeanor for ~~any~~ violation of ~~subsection 1 of NRS 574.100~~ NRS 574.050 to 574.200, inclusive:

(a) Shall register with ~~the local law enforcement agency~~ the animal abuser registry website established and maintained pursuant to ~~section 22~~ sections 30.4 and 30.6 of this act.

(b) Shall not own, possess or care for any animal for 5 years beginning on the date of conviction, exclusive of any period during which the ~~animal abuser~~ person is incarcerated or confined for such conviction.

3. A person required to register pursuant to this section must register not later than 3 business days after:

(a) The date on which the person is released from incarceration or confinement for the offense; or

(b) If the person is not sentenced to a term of imprisonment for the offense, the date on which the person was sentenced for the offense.

4. A person required to register pursuant to this section who changes his or her name or residence shall, not later than 3 business days after the change of name or residence, notify the animal abuser registry website of the change.

5. A violation of any provision of this section is a misdemeanor.

Sec. 30.2. 1. The Director of the State Department of Agriculture shall, on behalf of the Department, contract with a nonprofit organization to establish and maintain an animal abuser registry website which meets the requirements of sections 30.4 and 30.6 of this act.

2. To enter into a contract with the Department pursuant to subsection 1, a nonprofit organization must:

(a) Be bonded in the amount required by the Director.

(b) Have demonstrated the ability to:

(1) Work with towns, cities and other local governmental entities on issues related to animals; and

(2) Carry out the provisions of sections 30.4 to 30.8, inclusive, of this act.

(c) Agree to carry out the provisions of this section and sections 30.4 to 30.8, inclusive, of this act at no cost to the Department or this State.

3. Any contract entered into by the Director pursuant to this section must provide that the Director may, if the nonprofit organization fails to meet the requirements of sections 30.2 to 30.8, inclusive, of this act, terminate the contract and seek another nonprofit organization with which to contract for the establishment, if necessary, and maintenance of the animal abuser registry website.

Sec. 30.4. 1. A contract entered into with a nonprofit organization pursuant to section 30.2 of this act must require the nonprofit organization to:

(a) Establish and maintain an animal abuser registry website which must be organized so that:

(1) A person required to register pursuant to section 30 of this act may provide the information required in subsection 2.

(2) The animal abuser registry website meets the requirements of section 30.6 of this act.

(b) Ensure that the information contained in the animal abuser registry is, to the greatest extent practicable, accurate and current.

2. Except as otherwise provided in subsection 3, a person required to register pursuant to section 30 of this act must provide, upon registration:

(a) His or her full legal name.

(b) A recent photo of the person.

(c) Each offense for which the person was convicted that resulted in the requirement to register pursuant to section 30 of this act.

(d) The period, pursuant to section 30 of this act, for which the person is prohibited from owning, possessing or caring for any animal.

3. Any information provided by a person pursuant to subsection 2 is a public record. The provisions of this section must not be construed to require the person to provide any information that is not a public record as a result of the person's conviction for each offense which resulted in the requirement to register pursuant to section 30 of this act.

Sec. 30.6. A nonprofit organization that establishes an animal abuser registry website pursuant to section 30.4 of this act shall maintain the animal abuser registry in a manner that:

1. Allows the public to obtain information for each person in the animal abuser registry in accordance with subsection 3 of section 30.4 of this act.

2. Includes instructions on the manner in which a person may obtain a correction of information that the person contends is erroneous.

3. Includes a warning that the information on the animal abuser registry website may not be used unlawfully to injure, harass or commit a crime against any person named in the animal abuser registry website or in a way that violates the provisions of subsection 1 of section 30.8 of this act, and that any such action may result in a civil or criminal penalty.

4. Does not allow the public access to information about a person included in the animal abuser registry website other than the information the person is required to provide pursuant to subsection 2 of section 30.4 of this act.

Sec. 30.7. A nonprofit organization that contracts with the State Department of Agriculture pursuant to section 30.2 of this act shall, on or before January 15 of each odd-numbered year and upon approval by the Director, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the animal abuser registry website. The report must include, without limitation:

1. The number of persons registered each year on the animal abuser registry website; and

2. The number of times the animal abuser registry website is viewed each year.

Sec. 30.8. 1. Information obtained from the animal abuser registry website may not be used for any purpose relating to any of the following:

(a) Insurance, including health insurance.

(b) Loans.

(c) Credit.

(d) Employment.

(e) Education, scholarships or fellowships.

(f) Housing or accommodations.

(g) Except as otherwise provided in section 31 of this act and NRS No. 414F574.356 and 574.510, benefits, privileges or services provided by any business establishment.

2. Any person who uses information from the animal abuser registry website in violation of the provisions of subsection 3 of section 30.6 of this act or this section is liable in a civil action brought by or on behalf of a person injured by the violation, for damages, attorney's fees and costs incurred as the result of the violation.

3. The State Department of Agriculture, its officers and employees and any nonprofit organization that contracts with the Department pursuant to section 30.2 of this act to establish and maintain the animal abuser registry website and officers, employees and volunteers are immune from criminal or civil liability for an act or omission relating to information obtained, maintained or disclosed pursuant to the provisions of sections 30 to 30.8, inclusive, of this act, including, but not limited to, an act or omission relating to:

(a) The accuracy of information in the animal abuser registry website; or

(b) The disclosure of or the failure to disclose information in the animal abuser registry website.

Sec. 31. 1. Before selling an animal to a person or allowing the adoption of an animal by a person, an operator shall access the animal abuser registry website ~~(created)~~ established and maintained pursuant to ~~section 9~~ sections 30.4 and 30.6 of this act to verify that the person is not prohibited from owning, possessing or caring for an animal.

2. An operator shall not sell an animal to or allow the adoption of an animal by a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act.

Sec. 32. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~{-}~~ , and ~~section 30~~ sections 30 to 30.8, inclusive, of this act:

1. "Animal" does not include the human race, but includes every other living creature.

2. "Animal abuser registry website" means the registry website established and maintained pursuant to sections 30.4 and 30.6 of this act.

3. "First responder" means a person who has successfully completed the national standard course for first responders.

~~3.~~ 4. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

~~4.~~ 5. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 33. NRS 574.200 is hereby amended to read as follows:

574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, *and sections 30 ~~(and)~~ to 31, inclusive, of this act* do not:

(a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

(b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

(c) Interfere with the right to kill all animals and fowl used for food.

(d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

Sec. 34. NRS 574.210 is hereby amended to read as follows:

574.210 As used in NRS 574.210 to 574.510, inclusive, *and section 31 of this act*, unless the context otherwise requires, the words and terms defined in NRS 574.220 to 574.330, inclusive, have the meanings ascribed to them in those sections.

Sec. 35. NRS 574.340 is hereby amended to read as follows:

574.340 1. The provisions of NRS 574.210 to 574.510, inclusive, *and ~~sections 30 and~~ section 31 of this act* do not apply to:

(a) The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity or animal.

(b) Activities for which a license is required by the provisions of chapter 466 of NRS.

(c) The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

(d) The exhibition of dogs or cats.

2. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 564.010.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 36. NRS 574.350 is hereby amended to read as follows:

574.350 No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive ~~{1}~~, and ~~{sections 30 and}~~ section 31 of this act.

Sec. 37. NRS 574.356 is hereby amended to read as follows:

574.356 1. *Before selling a dog or cat to a person, a breeder shall access the animal abuser registry website ~~{created}~~ established and maintained pursuant to ~~{section 9}~~ sections 30.4 and 30.6 of this act to verify that the person is not listed on the animal abuser registry website as being prohibited from owning, possessing or caring for a dog or cat.*

2. A breeder shall not:

~~{1}~~ (a) Sell a dog or cat:

~~{(a)}~~ (1) Unless the dog or cat has had:

~~{(1)}~~ (I) A registered microchip subcutaneously inserted into the dog or cat; and

~~{(2)}~~ (II) All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; ~~or~~

~~{(b)}~~ (2) To a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act; or

(3) Without providing a written sales contract to the purchaser; or

~~{2}~~ (b) Breed a female dog:

~~{(a)}~~ (1) Before she is 18 months old; or

~~{(b)}~~ (2) More than once a year.

Sec. 38. NRS 574.510 is hereby amended to read as follows:

574.510 1. A retailer or dealer who sells a dog or cat that the retailer or dealer knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and fails to disclose such information at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this ~~{section}~~ subsection from selling any dogs or cats for not more than 1 year.

2. A retailer or dealer:

(a) *Before selling a dog or cat to any person, must access the animal abuser registry website ~~{created}~~ established and maintained pursuant to ~~{section 9}~~ sections 30.4 and 30.6 of this act to verify that the person is not listed on the animal abuser registry website as being prohibited from owning, possessing or caring for a dog or cat.*

(b) *May not sell a dog or cat to a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act.*

3. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the dog or cat is clinically ill as a result of the parasite.

Sec. 38.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 39. This act becomes effective on July 1, 2017.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

The amendment deletes provisions of the bill requiring that the Central Repository of Criminal Records create an animal-abuser registry and instead requires that the State Department of Agriculture contract with a nonprofit agency to establish and maintain an animal-abuser registry website; revises registration requirements for the website to clarify that a person convicted of felony or gross misdemeanor animal abuse is required to provide only information that is publicly available as a result of the person's conviction; sets limits on the use of the information on the registry and provides penalties for improper use.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 467.

SUMMARY—Revises provisions governing the taxation of certain property owned by nonresidents. (BDR 32-935)

AN ACT relating to taxation; revising provisions governing taxation of personal property owned by nonresidents and located in Nevada solely for the purposes of a display, exhibition, convention, tradeshow, carnival, fair or circus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts from taxation all personal property that is owned by a person who is not a resident of this State if the property is located in this State solely for the purposes of a display, exhibition, convention, carnival, fair or circus that is transient in nature. (NRS 361.068) This bill revises the requirements for claiming the exemption by : (1) making the requirement that the activity be transient in nature apply only to property in the State for purposes of a carnival, fair or circus ~~and~~ and only if the carnival, fair or circus is located in this State for not more than 30 days in each year for which the exemption is claimed; (2) exempting property that is in this State for the purposes of a display or exhibition only if the display or exhibition is nonpermanent and not intended to exist or function for an indefinite period; and (3) exempting property that is in this State for the purposes of a tradeshow on the same basis as property that is in this State for the purposes of a convention.

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

Section 1. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

- (a) Personal property held for sale by a merchant;
- (b) Personal property held for sale by a manufacturer;
- (c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;
- (d) Tangible personal property purchased by a business which will be consumed during the operation of the business;
- (e) Livestock;
- (f) Colonies of bees;
- (g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;
- (h) All boats;
- (i) Slide-in campers and camper shells;
- (j) Except as otherwise provided in NRS 361.186, fine art for public display; and
- (k) All personal property that is:
 - (1) Owned by a person who is not a resident of this state; and
 - (2) Located in this state solely for the purposes of ~~fair~~ :
 - (I) ~~A display, exhibition, or convention fair, or tradeshow;~~
 - (II) A nonpermanent display or exhibition that is not intended to exist or function for an indefinite period; or
 - (III) A carnival, fair or circus that is transient in nature ~~fair~~ and is located in this State for not more than 30 days in each year for which the exemption is claimed.

2. The Nevada Tax Commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada Tax Commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph (j) of subsection 1 shall:

(a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and

(b) During any fiscal year in which the person claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Boat" includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Was purchased in an arm's length transaction for \$25,000 or more, or has an appraised value of \$25,000 or more;

(III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) "Personal property held for sale by a merchant" includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 2. This act becomes effective on July 1, 2017.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 467 to Senate Bill No. 414 does three things. It clarifies that the exemption applies to property in this State for the purposes of a carnival, fair or circus only if the carnival, fair or circus is located in this State for not more than 30 days in each year for which the exemption is claimed; specifies that property that is in this State for the purposes of a display or exhibition is eligible for the exemption only if the display or exhibition is nonpermanent and not intended to exist or function for an indefinite period, and specifies that property that is in this State for the purposes of a tradeshow is eligible for the exemption on the same basis as property that is in this State for the purposes of a convention.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 161.

SUMMARY—Exempts ~~and proposes to exempt~~ sales of certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment from sales and use ~~taxes and analogous~~ taxes. (BDR 32-325)

AN ACT relating to ~~taxes on retail sales;~~ taxation; providing for ~~the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide~~ an exemption from ~~the tax~~ sales and ~~use taxes~~ for certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment; ~~providing an exemption from the Local School Support Tax and certain analogous taxes tax for certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [The Sales and Use Tax Act of 1955 (part of chapter 372 of NRS) was approved by the voters by a referendum and therefore may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. (Nev. Const. Art. 10, § 1)]~~

~~— Sections 2-9 of this bill require the submission of a question to the voters at the 2018 General Election of whether the Sales and Use Tax Act of 1955 should be amended to provide]~~

At the 2016 General Election, the voters of this State approved Initiative Petition No. 4, which proposes to amend the Nevada Constitution to require the Legislature to provide by law for an exemption from sales and use taxes for certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment. [Section 10] If the Initiative Petition is again approved by the voters at the 2018 General Election, the Nevada Constitution will be amended to require the Legislature to provide by law for the exemption. This bill enacts an exemption from sales and use taxes for certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment, but will not become effective unless the Initiative Petition is approved by the voters at the 2018 General Election.

Sections 9.3, 9.5 and 9.7 of this bill [construes] define the terms [used in] "durable medical equipment," "mobility enhancing equipment" and "oxygen delivery equipment" for the purpose of the exemption. [This tax exemption becomes effective on January 1, 2019, and expires by limitation on December 31, 2058, only if the voters approve the amendment to the Sales and Use Tax Act of 1955 at the General Election in 2018.]

~~— Sections 11 and 12]~~ Section 10 of this bill [amend] enacts the exemption for the sales and use taxes that are deposited into the State General Fund. Section 11 of this bill amends the Local School Support Tax Law to provide an identical exemption. [This tax exemption becomes effective on October 1, 2017, and expires by limitation on December 31, 2058.] Any amendment to the Local School Support Tax Law also applies to other sales and use taxes imposed under existing law. (NRS 354.705, 374A.020, 376A.060, 377.040, 377A.030, 377B.110 and 543.600 and various special and local acts) Section 13 of this bill provides that all these exemptions become effective on December 1, 2018, but only if the voters approve the Initiative Petition at the General Election on November 6, 2018.

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

Section 1. ~~[The Legislature hereby finds that each exemption provided by this act from any excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:~~

~~— 1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local~~

~~government that would otherwise receive revenue from the tax from which the exemption would be granted; and~~

~~2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.} (Deleted by amendment.)~~

~~Sec. 2. [At the General Election on November 6, 2018, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.] (Deleted by amendment.)~~

~~Sec. 3. [At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.] (Deleted by amendment.)~~

~~Sec. 4. [The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:~~

~~—Notice is hereby given that at the General Election on November 6, 2018, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:~~

~~AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto," approved March 29, 1955, as amended.~~

~~THE PEOPLE OF THE STATE OF NEVADA~~

~~DO ENACT AS FOLLOWS:~~

~~—Section 1. Section 56.1 of the above entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306, Statutes of Nevada 1969, at page 532, and amended by chapter 627, Statutes of Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:~~

~~—Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:~~

~~—(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.~~

~~—(b) Appliances and supplies relating to an ostomy.~~

~~—(c) Products for hemodialysis.~~

~~—(d) Medicines.~~

~~— (1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;~~

~~— (2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;~~

~~— (3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or~~

~~— (4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being;~~

~~— (e) Durable medical equipment, oxygen delivery equipment and mobility enhancing equipment prescribed for human use by a licensed provider of health care acting within his or her scope of practice.~~

~~— 2. As used in this section:~~

~~— (a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.~~

~~— (b) "Medicine" does not include:~~

~~— (1) Any auditory, ophthalmic or ocular device or appliance;~~

~~— (2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment;~~

~~— (3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine;~~

~~— (4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use;~~

~~— 3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.~~

~~— Sec. 2. This act becomes effective on January 1, 2019, and expires by limitation on December 31, 2058.} (Deleted by amendment.)~~

Sec. 5. ~~{The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:~~

~~— Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of durable medical equipment, oxygen delivery equipment and mobility enhancing equipment prescribed by a licensed provider of health care?~~

~~Yes — No —~~ (Deleted by amendment.)

Sec. 6. ~~{The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:~~

~~(Explanation of Question)~~

~~— The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and storage, use or other consumption of durable medical equipment, oxygen delivery equipment and mobility enhancing equipment prescribed by a licensed provider of health care.~~

~~— If this proposal is adopted, the Legislature has provided that the Local School Support Tax Law and certain analogous taxes on retail sales will be amended to provide the same exemptions.~~ (Deleted by amendment.)

Sec. 7. ~~{If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2019, and expires by limitation on December 31, 2058. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.}~~ (Deleted by amendment.)

Sec. 8. ~~{All general election laws not inconsistent with this act are applicable.}~~ (Deleted by amendment.)

Sec. 9. ~~{Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.}~~ (Deleted by amendment.)

Sec. 9.1. Chapter 360B of NRS is hereby amended by adding thereto the provisions set forth as sections 9.3, 9.5 and 9.7 of this act.

Sec. 9.3. 1. "Durable medical equipment" means equipment, including any repair and replacement parts therefor, which:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;
and

(d) Is not worn in or on the body.

2. The term includes, without limitation, abduction and orthotic pillows, anesthesia ventilators, bone growth stimulators, dialyzers and kidney dialysis machines.

Sec. 9.5. 1. "Mobility enhancing equipment" means equipment, including any repair and replacement parts therefor, which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;

(b) Is not generally used by persons with normal mobility; and

(c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.

2. The term includes, without limitation, mobility enhancing car seats for children with disabilities and swivel seats for persons with disabilities.

Sec. 9.7. "Oxygen delivery equipment" means equipment, including any repair and replacement parts therefor, which is used to deliver oxygen or aerosolized medicine to a person. The term includes, without limitation, tanks and concentrators, ventilators, nebulizers, oral-nasal cannulas and continuous positive airway pressure (CPAP) machines.

Sec. 9.9. NRS 360B.400 is hereby amended to read as follows:

360B.400 In administering the provisions of this chapter and chapters 372 and 374 of NRS, and in carrying out the provisions of the Agreement, the Department shall construe the terms defined in NRS 360B.405 to 360B.495, inclusive, and sections 9.3, 9.5 and 9.7 of this act, unless the context otherwise requires, in the manner prescribed by those sections.

Sec. 10. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[In administering the provisions of section 56.1 of chapter 207, Statutes of Nevada 1955, which is included in NRS as NRS 372.283, the Department shall construe the term:~~

~~1. "Durable medical equipment" to mean equipment, including any repair and replacement parts therefor, which:~~

~~(a) Can withstand repeated use;~~

~~(b) Is primarily and customarily used to serve a medical purpose;~~

~~(c) Generally is not useful to a person in the absence of illness or injury; and~~

~~(d) Is not worn in or on the body.~~

~~* The term includes, without limitation, nebulizers, drug infusion devices, feeding pumps, infant apnea monitors, hospital beds and bath and shower aids.~~

~~2. "Mobility enhancing equipment" to mean equipment, including any repair and replacement parts therefor, which:~~

~~(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;~~

~~—(b) Is not generally used by persons with normal mobility; and~~
~~—(c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.~~
~~→ The term includes, without limitation, wheelchairs, walkers, canes and crutches.~~

~~—3. "Oxygen delivery equipment" means equipment, including any repair and replacement parts therefor, which is used to deliver oxygen to a person. The term includes, without limitation, oxygen tanks and concentrators, ventilators and continuous positive airway pressure (CPAP) machines.~~

There are hereby exempted from the taxes imposed by this chapter the gross receipts from sales of, and the storage, use or other consumption of:

1. Durable medical equipment;
2. Mobility enhancing equipment; and
3. Oxygen delivery equipment,

→ prescribed for human use by a licensed provider of health care acting within his or her scope of practice.

Sec. 10.5. NRS 372.195 is hereby amended to read as follows:

372.195 Every retailer maintaining a place of business in this State and making sales of tangible personal property for storage, use or other consumption in this State, not exempted under NRS 372.260 to 372.350, inclusive, and section 10 of this act, shall, at the time of making the sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission.

Sec. 10.7. NRS 372.260 is hereby amended to read as follows:

372.260 "Exempted from the taxes imposed by this chapter," as used in NRS 372.260 to 372.350, inclusive, and section 10 of this act, means exempted from the computation of the amount of taxes imposed.

Sec. 11. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[In administering the provisions of NRS 374.287, the Department shall construe the term:~~

- ~~—1. "Durable medical equipment" to mean equipment, including any repair and replacement parts therefor, which:~~
- ~~—(a) Can withstand repeated use;~~
 - ~~—(b) Is primarily and customarily used to serve a medical purpose;~~
 - ~~—(c) Generally is not useful to a person in the absence of illness or injury;~~
 - ~~and~~
 - ~~—(d) Is not worn in or on the body.~~

~~→ The term includes, without limitation, nebulizers, drug infusion devices, feeding pumps, infant apnea monitors, hospital beds and bath and shower aids.~~

- ~~—2. "Mobility enhancing equipment" to mean equipment, including any repair and replacement parts therefor, which:~~

~~— (a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;~~

~~— (b) Is not generally used by persons with normal mobility; and~~

~~— (c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.~~

~~→ The term includes, without limitation, wheelchairs, walkers, canes and crutches.~~

~~3. "Oxygen delivery equipment" means equipment, including any repair and replacement parts therefor, which is used to deliver oxygen to a person. The term includes, without limitation, oxygen tanks and concentrators, ventilators and continuous positive airway pressure (CPAP) machines.~~

There are hereby exempted from the taxes imposed by this chapter the gross receipts from sales of, and the storage, use or other consumption of:

1. Durable medical equipment;

2. Mobility enhancing equipment; and

3. Oxygen delivery equipment.

→ prescribed for human use by a licensed provider of health care acting within his or her scope of practice.

Sec. 11.5. NRS 374.200 is hereby amended to read as follows:

374.200 Every retailer maintaining a place of business in a county and making sales of tangible personal property for storage, use or other consumption in the county, not exempted under NRS 374.265 to 374.355, inclusive, and section 11 of this act, shall, at the time of making the sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Department.

Sec. 11.7. NRS 374.265 is hereby amended to read as follows:

374.265 "Exempted from the taxes imposed by this chapter," as used in NRS 374.265 to 374.355, inclusive, and section 11 of this act, means exempted from the computation of the amount of taxes imposed.

Sec. 12. ~~[NRS 374.287 is hereby amended to read as follows:~~

~~374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:~~

~~— (a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.~~

~~— (b) Appliances and supplies relating to an ostomy.~~

~~— (c) Products for hemodialysis.~~

~~— (d) Medicines:~~

~~— (1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;~~

~~—(2) Furnished by a licensed physician, dentist or podiatric physician to his or her own patient for the treatment of the patient;~~

~~—(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or~~

~~—(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.~~

~~—(e) Durable medical equipment, oxygen delivery equipment and mobility enhancing equipment prescribed for human use by a licensed provider of health care acting within his or her scope of practice.~~

~~—2. As used in this section:~~

~~—(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.~~

~~—(b) "Medicine" does not include:~~

~~—(1) Any auditory, ophthalmic or ocular device or appliance.~~

~~—(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.~~

~~—(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.~~

~~—(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.~~

~~—3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section. (Deleted by amendment.)~~

~~Sec. 13. [1.] This [section and sections 1 to 9, inclusive, 11 and 12 of this act become effective on October 1, 2017.~~

~~—2. Section 10 of this] act becomes effective on [January 1, 2019, and expires by limitation on December 31, 2058,] December 1, 2018, only if the [proposal submitted pursuant to sections 2 to 9, inclusive, of this act] initiative petition known as Initiative Petition No. 4, which was approved by the voters at the General Election on November 8, 2016, is approved by the voters at the General Election on November 6, 2018.~~

~~[3. Sections 11 and 12 of this act expire by limitation on December 31, 2058.]~~

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 161 to Senate Bill No. 419 removes the provisions of the bill requiring a ballot question since voters approved Question 4 at the 2016 General Election and Question 4 already provides for the exemption of durable medical equipment, oxygen-delivery equipment and mobility-enhancing equipment from sales and use tax, if Question 4 is approved by voters for a second time at the 2018 General Election.

The amendment establishes the statutory provisions related to providing the exemption such that if Question 4 is approved by voters at the November 6, 2018, General Election, the exemption

would become effective on December 1, 2018. Finally, the amendment establishes the definitions for "durable medical equipment," "mobility enhancing equipment" and "oxygen delivery equipment" and adds the provisions for these exemptions to the sales-tax rates in statute.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 433.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 484.

SUMMARY—Revises provisions relating to guardianships. (BDR 13-487)

AN ACT relating to guardianships; replacing the term "ward" with the term "protected person"; establishing provisions relating to the right of a protected person to communicate, visit or interact with certain persons; establishing provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain persons; establishing provisions relating to guardians of the person; establishing provisions concerning sanctions that may be imposed upon and actions that may be taken against a guardian; revising provisions relating to the appointment of a guardian ad litem to represent a protected person; revising provisions relating to the appointment of counsel to represent ~~(an adult ward or)~~ a proposed ~~(adult ward)~~ protected person; removing the requirement that certain persons must inform a proposed protected person of his or her right to counsel; revising provisions relating to certain reports and accounts filed with the court by a guardian of the person and a guardian of the estate; revising the circumstances in which a court is authorized to remove a guardian; reducing the filing fee for a petition for a guardianship; prohibiting the charging or collecting of any other fee for the filing of such a petition; requiring a county recorder to charge and collect a fee for the recording of certain documents to be used ~~(to provide legal services)~~ for certain ~~(wards in guardianship proceedings)~~ specified purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "ward" for purposes of the provisions of law governing guardianships as any person for whom a guardian has been appointed. (NRS 159.027) Section 20 of this bill replaces the term "ward" with the term "protected person."

Sections 4-11 of this bill establish provisions relating to the right of a protected person to communicate, visit or interact with his or her parent, child or sibling or a person of natural affection, which section 3 of this bill defines as a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members. Section 5 generally prohibits a guardian from restricting the right of a protected person to communicate, visit or interact with such persons except in certain circumstances.

Section 6 authorizes a guardian to petition a court to issue an order restricting the ability of a parent, child or sibling of a protected person or a person of natural affection to communicate, visit or interact with a protected person for good cause. Section 6 requires a court to consider certain factors when determining whether to issue such an order and requires a guardian to provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with any such person or opposition by the protected person to any communication, visitation or interaction with any such person if the protected person is unable to communicate verbally. Section 7 requires a court to consider imposing certain restrictions on communication, visitation or interaction between a protected person and any such person in a certain order of preference.

Section 8 authorizes any person who reasonably believes a guardian has violated a court order or committed an abuse of discretion in determining a protected person's consent to or refusal of communication, visitation or interaction with his or her parent, child or sibling or a person of natural affection to petition the court to take certain action.

Section 9 requires the court to schedule a hearing on a petition filed by a guardian or person pursuant to section 6 or 8, respectively, not later than 63 days after the date the petition is filed. Section 9 also requires the court to conduct an emergency hearing as soon as practicable, but not later than 7 days after the date the petition is filed, if the petition states that that health of the protected person is in significant decline or the death of the protected person might be imminent.

Section 10 establishes provisions concerning who has the burden of proof in a proceeding held pursuant to sections 4-11, and section 11 sets forth certain sanctions.

Sections 12 and 13 of this bill establish provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain interested persons. Section 12 generally requires a guardian to file with the court a notice of his or her intent to move a protected person and to serve notice upon such interested persons not less than 10 days before moving the protected person. If an objection to the move is not received from any interested person within 10 days after receiving the notice, the guardian is authorized to move the protected person without court permission. Section 12 further provides that if an emergency condition exists, the guardian is authorized to take any temporary action needed without court permission and is required to file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action. Section 26 of this bill revises provisions of existing law governing the authority of a guardian of the person to establish or change the residence of a protected person to conform with the provisions of section 12.

Section 13 requires a guardian to notify immediately all interested persons and persons of natural affection: (1) if the guardian believes, based on

information from certain qualified persons, that the death of the protected person is likely to occur within the next 30 days; (2) upon the death of the protected person; and (3) upon obtaining any information relating to the burial or cremation of the protected person. If the guardian is providing notification of the death of the protected person, the guardian is required to provide such notification in a certain manner pursuant to section 13.

Section 12 also: (1) provides that any notification given by a guardian relating to moving a protected person or the death or impending death of a protected person must include the current location of the protected person unless an order of protection has been issued against an interested person or a person of natural affection on behalf of the protected person; and (2) establishes the circumstances in which a guardian is not required to provide notification to an interested person or person of natural affection.

Section 14 of this bill authorizes a guardian of the person to take certain actions if a guardian of the estate has not been appointed and provides that if a guardian of the estate has been appointed, a guardian of the person may receive reasonable sums for any room and board furnished to a protected person if the guardian presents a claim to the guardian of the estate.

Section 17 of this bill authorizes a court to take certain action if a guardian violates any right of a protected person and to impose twice the actual damages incurred by the protected person and attorney's fees and costs if any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice.

Existing law authorizes a court to appoint a person to represent a ward or proposed ward as a guardian ad litem. (NRS 159.0455) Section 22 of this bill revises provisions relating to such an appointment and authorizes a court to appoint a volunteer person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem is established in the judicial district.

Existing law provides that if an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding, the court is required to appoint an attorney who works for legal aid services or a private attorney to represent the adult ward or proposed adult ward. (NRS 159.0485) Section ~~14~~ 23 of this bill provides that upon ~~{such a request by an adult ward or}~~ the filing of a petition for the appointment of a guardian for a proposed protected person who is an adult ~~{ward,}~~ the court is required to ~~{determine whether}~~ appoint an attorney ~~{should be appointed}~~ to represent the ~~{adult ward or}~~ proposed ~~{adult ward based on}~~ protected person unless the proposed protected person wishes to retain or has already retained an attorney. The court is required to appoint an attorney who works for an organization operating a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults if the county in which the proposed protected person lives has such a program that is able to accept the case. If the

county in which the proposed protected person resides does not have such a program or the program is unable to accept the case, the court is required to determine whether the proposed protected person has the ability ~~[of the adult ward or proposed adult ward]~~ to pay the reasonable compensation and expenses of an attorney ~~[- The]~~ from his or her estate and, if so, order an attorney to represent the proposed protected person and require the compensation and expenses of the attorney to be paid from the estate. If the proposed protected person does not have the ability to pay, the court is ~~[required]~~ authorized to ~~[appoint]~~ use money set aside for the purpose of assisting such proposed protected persons to pay for an attorney ~~[if the court determines that: (1) the adult ward or]~~ to represent the proposed ~~[adult ward does not have the ability to pay the compensation and expenses of an attorney; or (2) the adult ward or proposed adult ward has the ability to pay the compensation and expenses of an attorney but is being prevented access to an attorney.]~~ protected person.

Existing law requires a proposed ward who is found in this State to attend the hearing for the appointment of a guardian unless a certificate that includes certain information, including why the proposed ward cannot attend the hearing, is signed by a qualified person. If the proposed ward is an adult and cannot attend the hearing by videoconference, the person who signs the certificate or another qualified person is required to inform the proposed ward of certain rights of the proposed ward, including the right to counsel, and ask the proposed ward if he or she wishes to be represented by counsel (NRS 159.0535) Section 24 of this bill removes such a requirement.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. (NRS 159.081) Section 27 of this bill requires that certain information be included in such a report. Existing law also requires a guardian of the estate or special guardian who is authorized to manage the property of a ward to file with the court a verified account of the estate of the ward at certain specified times and requires the account to include certain information. (NRS 159.177, 159.179) Section 28 of this bill requires the account to be served on the protected person and the attorney of the protected person, and Section 29 of this bill revises the requirements relating to the account. Section 16 of this bill authorizes a court to impose a penalty in an amount not to exceed \$5,000 and order restitution of any money misappropriated from the estate of a protected person if a guardian is guilty of gross impropriety in handling the property of the protected person, makes a substantial misstatement in any such report or account or willfully fails to file such a report or account within a certain period after receiving written notice from the court of the failure to file.

Section 15 of this bill provides that a protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person.

Section 31 of this bill revises the circumstances in which a court may remove a guardian. Section 32 of this bill provides that upon the filing of a petition for the termination or modification of a guardianship, the court is required to appoint an attorney to represent the protected person if: (1) the protected person is unable to retain an attorney; or (2) the court determines that the appointment is necessary to protect the interests of the protected person.

Existing law authorizes or requires the imposition of various fees in civil actions, including fees specific to the filing of a petition for a guardianship. (NRS 19.013-19.0335) Section ~~24~~ 33 of this bill reduces the fee for filing a petition for a guardianship where the stated value of the estate is more than \$2,500 from \$72 to \$5. Section ~~24~~ 33 also specifies that no other fee may be charged or collected for the filing of a petition for a guardianship.

Existing law requires a county recorder to charge and collect a fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage, which the county treasurer is required to remit to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care. (NRS 247.305) Section ~~35~~ 36 of this bill requires a county recorder to charge and collect an additional fee of \$3 for the recording of such documents, which the county treasurer is required to remit : (1) to the organization operating the program for legal services for the indigent in the county, to be used to provide legal services for ~~adult wards~~ protected persons or proposed ~~adult wards~~ protected persons who are adults in guardianship proceedings ~~and~~ and, if sufficient funding exists, protected persons and proposed protected persons who are minors in guardianship proceedings; or (2) if such an organization does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses. Section 37 of this bill requires a county recorder to charge and collect an additional fee of \$1 for the recording of such documents, which the county treasurer is required to remit to an account maintained by the county for the exclusive use of the district court to pay the compensation of certain investigators appointed by the court. Section 41 of this bill provides that section 37 becomes effective if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. "Interested person" means a person who is entitled to notice of a guardianship proceeding pursuant to NRS 159.034.

Sec. 3. "Person of natural affection" means a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members.

Sec. 4. As used in sections 4 to 11, inclusive, of this act, "relative" means a parent, child or sibling of a protected person.

Sec. 5. A guardian shall not restrict the right of a protected person to communicate, visit or interact with a relative or person of natural affection, including, without limitation, by telephone, mail or electronic communication, unless:

1. The protected person expresses to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person that the protected person does not wish to communicate, visit or interact with the relative or person of natural affection;

2. There is currently an investigation of the relative or person of natural affection by law enforcement or a court proceeding concerning the alleged abuse of the protected person and the guardian determines that it is in the best interests of the protected person to restrict the communication, visitation or interaction between the protected person and the relative or person of natural affection because of such an investigation or court proceeding; or

3. The restriction on the communication, visitation or interaction with the relative or person of natural affection is authorized by a court order.

Sec. 6. 1. For good cause, a guardian may petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with a protected person.

2. After a petition is filed by a guardian pursuant to subsection 1, a court:
(a) May appoint a person to meet with the protected person to determine his or her wishes regarding communication, visitation or interaction with the relative or person of natural affection;

(b) Shall give notice and an opportunity to be heard to the guardian, the protected person and the relative or person of natural affection;

(c) Shall preserve the right of the protected person to be present at the hearing on the petition; and

(d) May order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing on the petition.

3. Upon a showing of good cause by a guardian, a court may issue an order restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to this section. When determining whether to issue an order, a court shall consider the following factors:

(a) Whether any protective order has been issued to protect the protected person from the relative or person of natural affection;

(b) Whether the relative or person of natural affection has been charged with abuse, neglect or financial exploitation of the protected person;

(c) Whether the protected person has expressed to the court or to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person a desire to or a desire not to communicate, visit or interact with the relative or person of natural affection;

(d) If the protected person is unable to communicate, whether a properly executed living will, durable power of attorney or other written instrument contains a preference by the protected person regarding his or her communication, visitation or interaction with the relative or person of natural affection; and

(e) Any other factor deemed relevant by the court.

4. If a protected person is unable to communicate verbally, the guardian shall provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with a relative or person of natural affection or any opposition by the protected person to any communication, visitation or interaction with a relative or person of natural affection for the purpose of allowing the court to consider whether the protected person has expressed a desire not to communicate, visit or interact with the relative or person of natural affection, as set forth in paragraph (c) of subsection 3. Such documentation may include, without limitation, any nursing notes, caregiver records, medical records or testimony of witnesses.

5. A guardian, protected person, relative or person of natural affection may petition the court to modify or rescind any order issued pursuant to this section.

Sec. 7. 1. Before issuing an order pursuant to section 6 of this act, a court shall consider imposing any restrictions on communication, visitation or interaction between a protected person and a relative or person of natural affection in the following order of preference:

(a) Placing reasonable time, manner or place restrictions on communication, visitation or interaction between the protected person and the relative or person of natural affection based on the history between the protected person and the relative or person of natural affection or the wishes of the protected person;

(b) Requiring that any communication, visitation or interaction between the protected person and the relative or person of natural affection be supervised; and

(c) Denying communication, visitation or interaction between the protected person and the relative or person of natural affection.

2. If the court determines that the relative or person of natural affection poses a threat to the protected person, the court may order supervised communication, visitation or interaction pursuant to paragraph (b) of subsection 1 before denying any communication, visitation or interaction.

Sec. 8. 1. If any person, including, without limitation, a protected person, reasonably believes that a guardian has committed an abuse of discretion in making a determination pursuant to subsection 2 of section 5 of this act or has violated a court order issued pursuant to section 6 of this act, the person may petition the court to:

(a) Require the guardian to grant the relative or person of natural affection access to the protected person;

(b) Restrict or further restrict the access of the relative or person of natural affection to the protected person;

(c) Modify the duties of the guardian; or

(d) Remove the guardian pursuant to NRS 159.185.

2. A guardian who violates any provision of sections 4 to 11, inclusive, of this act is subject to removal pursuant to NRS 159.185.

Sec. 9. 1. Except as otherwise provided in subsection 2, a court shall schedule a hearing on a petition filed pursuant to section 6 or 8 of this act not later than 63 days after the date the petition is filed.

2. If a petition filed pursuant to section 6 or 8 of this act states that the health of the protected person is in significant decline or that the death of the protected person might be imminent, the court shall issue an order for an emergency hearing and conduct the emergency hearing as soon as practicable but not later than 7 days after the date the petition is filed.

3. If a court issues an order for an emergency hearing pursuant to subsection 2, the court may order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing.

4. Notice of the hearing, a copy of the petition and a copy of any order issued pursuant to subsection 2, if applicable, must be personally served upon the protected person and any person against whom the petition is filed. Nothing in this section affects the right of the protected person to appear and be heard in the proceedings.

Sec. 10. In a proceeding held pursuant to sections 4 to 11, inclusive, of this act:

1. The guardian has the burden of proof if he or she:

(a) Petitions the court to restrict the ability of a relative or person of natural affection to communicate, visit or interact with a protected person pursuant to subsection 1 of section 6 of this act;

(b) Petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act; or

(c) Opposes a petition filed pursuant to section 8 of this act.

2. A relative or person of natural affection has the burden of proof if he or she petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act.

Sec. 11. 1. In a proceeding held pursuant to sections 4 to 11, inclusive, of this act, if the court finds that:

(a) A petition was filed frivolously or in bad faith, the court shall award attorney's fees to the party opposing the petition.

(b) A guardian is in contempt of court or has acted frivolously or in bad faith in prohibiting or restricting communication, visitation or interaction between the relative or person of natural affection and the protected person, the court may:

(1) Award attorney's fees to the prevailing party; and

(2) Impose sanctions against the guardian.

2. Any attorney's fees awarded pursuant to this section must not be paid by the protected person or the estate of the protected person.

Sec. 12. 1. Every protected person has the right, if possible, to:

(a) Have his or her preferences followed; and

(b) Age in his or her own surroundings or, if not possible, in the least restrictive environment suitable to his or her unique needs and abilities.

2. Except as otherwise provided in subsection 5, a proposed protected person must not be moved until a guardian is appointed.

3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, the guardian shall notify all interested persons in accordance with subsection 4 before the protected person:

(a) Is admitted to a secured residential long-term care facility;

(b) Changes his or her residence, including, without limitation, to or from one secured residential long-term care facility to another;

(c) Will reside at a location other than his or her residence for more than 3 days; or

(d) Will be admitted to a medical facility for acute care or emergency care.

4. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, a guardian shall file with the court a notice of his or her intent to move the protected person and shall serve notice upon all interested persons not less than 10 days before moving the protected person. If no objection to the move is received from any interested person within 10 days after receiving the notice, the guardian may move the protected person without court permission.

5. If an emergency condition exists, including, without limitation, the health or safety of the protected person is at risk of imminent harm or the protected person has been hospitalized and is unable to return to his or her residence, the guardian may take any temporary action needed without the permission of the court and shall file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action.

6. Except as otherwise provided in this subsection, any notice provided to a court, an interested person or person of natural affection pursuant to this section or section 13 of this act must include the current location of the protected person. The guardian shall not provide any contact information to an interested person or person of natural affection if an order of protection has been issued against the interested person or person of natural affection on behalf of the protected person.

7. A guardian is not required to provide notice to an interested person or person of natural affection in accordance with this section or section 13 of this act if:

(a) The interested person or person of natural affection informs the guardian in writing that the person does not wish to receive such notice; or

(b) The protected person or a court order has expressly prohibited the guardian from providing notice to the interested person or person of natural affection.

Sec. 13. 1. Except as otherwise provided in section 12 of this act, a guardian shall immediately notify all interested persons and persons of natural affection:

(a) If the guardian reasonably believes that the death of the protected person is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician or other health care provider of the protected person or a person otherwise qualified to provide such a medical opinion, including, without limitation, a health care provider employed by a hospice or by a hospital of the Department of Veterans Affairs.

(b) Upon the death of the protected person.

(c) Upon obtaining any information relating to the burial or cremation of the protected person.

2. The guardian shall provide notification pursuant to paragraph (b) of subsection 1:

(a) In person or by telephone to the family members of the protected person or, if the protected person does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;

(b) By electronic communication to any family member of the protected person or person of natural affection who has opted to receive notification by electronic communication; and

(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b).

Sec. 14. 1. If a guardian of the estate has not been appointed, a guardian of the person may:

(a) Institute proceedings to compel any person under a duty to support the protected person or to pay for the welfare of the protected person to perform that duty; and

(b) Receive money and tangible property deliverable to the protected person and apply such money and property for the support, care and education of the protected person. The guardian shall not use any money from the estate of the protected person to cover the cost of any room and board that the guardian or the spouse, parent or child of the guardian furnishes to the protected person unless a charge for the service is approved by a court order, after notice to at least one adult relative in the nearest degree of consanguinity to the protected person in which there is an adult. The guardian shall exercise care to conserve any excess money for the needs of the protected person.

2. If a guardian of the estate has been appointed, any money received by the guardian of the person that is in excess of the money expended to pay for the support, care and education of the protected person must be paid to the guardian of the estate for management of the estate. The guardian of the person shall account to the guardian of the estate for any money expended.

3. A guardian of the person of a protected person for whom a guardian of the estate also has been appointed may receive reasonable sums for any room and board furnished to the protected person if the guardian of the person presents a claim to the guardian of the estate pursuant to NRS 159.107 and 159.109.

4. A guardian of the person may request the guardian of the estate to make a payment from the estate of the protected person to another person or entity for the care and maintenance of the protected person in accordance with NRS 159.107 and 159.109.

Sec. 15. A protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person. A protected person may submit any trust to the jurisdiction of a court if:

1. The protected person, his or her spouse, or both the protected person and his or her spouse are grantors and sole beneficiaries of the income of the trust; or

2. The trust was created at the discretion of or with the consent of a court.

Sec. 16. If a guardian:

1. Is guilty of gross impropriety in handling the property of the protected person;

2. Makes a substantial misstatement in any report filed pursuant to NRS 159.081 or any account filed pursuant to NRS 159.177; or

3. Willfully fails to file a report required by NRS 159.081 or an account required by NRS 159.177 after receiving written notice from the court of the failure to file and a grace period of 2 months after such notification has elapsed,

↪ the court may impose a penalty in an amount not to exceed \$5,000 and order restitution of any money misappropriated from the estate of a protected person, which must be paid by the guardian and must not be paid by the estate of the protected person.

Sec. 17. 1. If a guardian violates any right of a protected person that is set forth in this chapter, a court may take any appropriate action, including, without limitation:

(a) Issuing an order that certain actions be taken or discontinued;

(b) Disallowing any fees payable to the guardian;

(c) After notice and a hearing, issuing an order compensating a protected person or the estate of a protected person for any injury, death or loss of money or property caused by the actions of the guardian or the failure of the guardian to take appropriate action;

(d) Removing the guardian pursuant to NRS 159.185; or

(e) Taking any other action that is proper under the circumstances.

2. If any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice, the court may also impose:

(a) Twice the actual damages incurred by the protected person; and

(b) Attorney's fees and costs.

Sec. 18. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 19. NRS 159.025 is hereby amended to read as follows:

159.025 "Proposed ~~[ward]~~ protected person" means any person for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.

Sec. 20. NRS 159.027 is hereby amended to read as follows:

159.027 ~~["Ward"]~~ "Protected person" means any person for whom a guardian has been appointed.

Sec. 21. NRS 159.043 is hereby amended to read as follows:

159.043 1. All petitions filed in any guardianship proceeding must bear the title of the court and cause.

2. The caption of all petitions and other documents filed in a guardianship proceeding must read, "In The Matter of the Guardianship of (the person, the estate, or the person and estate), ... (the legal name of the person), ... (adult or minor) ~~[and]~~ , Protected Person."

Sec. 22. NRS 159.0455 is hereby amended to read as follows:

159.0455 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may , in any proceeding, appoint a person to represent the ~~[ward]~~ protected person or proposed ~~[ward]~~ protected person as a guardian ad litem ~~[and]~~ if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person; and

(b) The guardian ad litem must represent the ~~[ward]~~ protected person or proposed ~~[ward]~~ protected person as a guardian ad litem until relieved of that duty by court order.

2. Upon the appointment of the guardian ad litem, the court shall set forth in the order of appointment the duties of the guardian ad litem.

3. ~~[The guardian ad litem is entitled to reasonable compensation from the estate of the ward or proposed ward. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem, the court may order the person to pay to the estate of the ward or proposed ward all or part of the expenses associated with the appointment of the guardian ad litem.]~~ If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may

appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.

4. A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall:

(a) Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person; and

(b) Provide any information required by the court.

~~[Section 1.]~~ Sec. 23. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. ~~[At the first hearing]~~ Upon the filing of a petition for the appointment of a guardian for a proposed ~~[adult ward]~~ protected person who is an adult, the court shall ~~[advise]~~ appoint an attorney for the proposed ~~[adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether]~~ protected person unless the proposed ~~[adult ward]~~ protected person wishes to ~~[be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.]~~ retain or has already retained an attorney of his or her own choice.

2. ~~[If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the]~~ The court shall ~~[determine whether an attorney should be appointed to represent the adult ward or proposed adult ward based on the ability of the adult ward or proposed adult ward to pay the compensation and expenses of an attorney. If the court determines that an adult ward or proposed adult ward does not have the ability to pay the compensation and expenses of an attorney, the court shall, at or before the time of the next hearing,]~~

(a) If the proposed protected person resides in a county that has a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults and the program is able to accept the case, appoint an attorney who works for ~~[legal aid services, if available, or a private]~~ the organization operating the program to represent

the proposed protected person. After such an appointment, if it is ascertained that the proposed protected person wishes to have another attorney represent him or her, the court shall appoint that attorney to represent the ~~adult ward or~~ proposed ~~adult ward~~. The appointed ~~protected person~~. An attorney appointed pursuant to this subsection shall represent the ~~adult ward or~~ proposed ~~adult ward~~ protected person until relieved of the duty by court order.

~~{3. Notwithstanding the provisions of subsection 2, if the court determines that an adult ward or proposed adult ward has the ability to pay the compensation and expenses of an attorney, the court shall nevertheless appoint an attorney to represent the adult ward or proposed adult ward if the court determines that the adult ward or proposed adult ward is being prevented access to an attorney.~~

~~4. Subject to the discretion and approval of the court, the attorney for the adult ward or~~

(b) If the proposed ~~adult ward~~ is entitled to reasonable compensation and expenses. Unless ~~protected person resides in a county that does not have a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults, or if such a program exists but the program is unable to accept the case, the court~~ ~~{determines that the adult ward or}~~ shall determine whether the proposed ~~adult ward does not have~~ protected person has the ability to pay {such} the reasonable compensation and expenses ~~for the court shifts the responsibility of payment to a third party. If the attorney is appointed pursuant to subsection 3,} of an attorney from his or her estate. If the proposed protected person:~~

(1) Has the ability to pay the reasonable compensation and expenses ~~{must}~~ of an attorney, the court shall order an attorney to represent the proposed protected person and require such compensation and expenses of the attorney to be paid from the estate of the ~~adult ward or}~~ proposed ~~adult ward, unless the court makes a subsequent determination that the adult ward or proposed adult ward no longer has~~ protected person.

(2) Does not have the ability to pay ~~{such}~~ the reasonable compensation and expenses ~~{,}~~ of an attorney, the court ~~{shifts the responsibility of payment to a third party or}~~ may use the money retained pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 247.305 to pay for an attorney to represent the proposed protected person.

3. If an attorney is appointed pursuant to paragraph (a) of subsection 2 and the proposed protected person has the ability to pay the compensation and expenses ~~{are provided for or paid by another person or entity.}~~ of an attorney, the organization operating the program for legal services may request that the court appoint a private attorney to represent the proposed protected person, to be paid by the proposed protected person.

4. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the

estate of the ~~{adult ward}~~ protected person or proposed ~~{adult ward}~~ protected person all or part of the expenses associated with the appointment of the attorney.

Sec. 24. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ~~{ward}~~ protected person who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed ~~{ward}~~ protected person, the reasons why the proposed ~~{ward}~~ protected person is unable to appear in court and whether the ~~{proposed ward's}~~ attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed ~~{ward}~~ protected person; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed ~~{ward}~~ protected person, the reasons why the proposed ~~{ward}~~ protected person is unable to appear in court and whether the ~~{proposed ward's}~~ attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed ~~{ward}~~ protected person.

2. A proposed ~~{ward}~~ protected person found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed ~~{ward}~~ protected person is an adult and cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:

(a) Inform the proposed ~~{adult ward}~~ protected person that the petitioner is requesting that the court appoint a guardian for the proposed ~~{adult ward}~~ protected person;

(b) Ask the proposed ~~{adult ward}~~ protected person for a response to the guardianship petition; and

(c) ~~{Inform the proposed adult ward of his or her right to counsel and ask whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding; and~~

~~—(d)—~~ Ask the preferences of the proposed ~~{adult ward}~~ protected person for the appointment of a particular person as the guardian of the proposed ~~{adult ward}~~ protected person.

3. If the proposed ~~{ward}~~ protected person is an adult, the person who informs the proposed ~~{adult ward}~~ protected person of the rights of the proposed ~~{adult ward}~~ protected person pursuant to subsection 2 shall state in a certificate signed by that person:

(a) ~~{That the proposed adult ward has been advised of his or her right to counsel and asked whether he or she wishes to be represented by counsel in the guardianship proceeding;~~

~~—(b)—~~ The responses of the proposed ~~{adult ward}~~ protected person to the questions asked pursuant to subsection 2; and

~~[(c)]~~ (b) Any conditions that the person believes may have limited the responses by the proposed ~~[adult ward]~~ protected person.

4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

5. If the proposed ~~[ward]~~ protected person is not in this State, the proposed ~~[ward]~~ protected person must attend the hearing only if the court determines that the attendance of the proposed ~~[ward]~~ protected person is necessary in the interests of justice.

Sec. 25. NRS 159.073 is hereby amended to read as follows:

159.073 1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:

(a) Take and subscribe the official oath which must:

(1) Be endorsed on the letters of guardianship; and

(2) State that the guardian will well and faithfully perform the duties of guardian according to law.

(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise required in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the ~~[ward]~~ protected person at all times.

(II) Provide the ~~[ward]~~ protected person with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the ~~[ward]~~ protected person and utilize the income, assets and estate of the ~~[ward]~~ protected person solely for the benefit of the ~~[ward]~~ protected person.

(IV) Maintain the assets of the ~~[ward]~~ protected person in the name of the ~~[ward]~~ protected person or the name of the guardianship. Except when the spouse of the ~~[ward]~~ protected person is also his or her guardian, the assets of the ~~[ward]~~ protected person must not be commingled with the assets of any third party.

(V) ~~[Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the ward]~~ Provide notification of the death of the ~~[ward within 30 days after the death]~~ protected person in accordance with section 13 of this act.

(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.

(3) A list of actions regarding the ~~[ward]~~ protected person that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of annual reports with the court regarding the finances and well-being of the ~~ward,~~ protected person.

2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.

Sec. 26. NRS 159.079 is hereby amended to read as follows:

159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the ~~ward,~~ protected person, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the ~~ward,~~ protected person, including, without limitation, the following:

(a) Supplying the ~~ward,~~ protected person with food, clothing, shelter and all incidental necessities, including locating an appropriate residence for the ~~ward,~~ protected person based on the financial situation and needs of the protected person, including, without limitation, any medical needs or needs relating to his or her care.

(b) Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected person and commencing a proceeding if any property of the protected person is in need of protection.

(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the ~~ward,~~

~~(e),~~ protected person.

(d) Seeing that the ~~ward,~~ protected person is properly trained and educated and that the ~~ward,~~ protected person has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the ~~ward,~~ protected person. A guardian of the person is not required to incur expenses on behalf of the ~~ward,~~ protected person except to the extent that the estate of the ~~ward,~~ protected person is sufficient to reimburse the guardian.

3. A guardian of the person is the ~~ward's~~ personal representative of the protected person for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the ~~ward's~~ health care or health insurance of the protected person.

4. ~~Except as otherwise provided in subsection 6, a~~ A guardian of the person may , subject to the provisions of subsection 6 and section 12 of this act, establish and change the residence of the ~~ward,~~ protected person at any place within this State , without the permission of the court. The guardian shall select the least restrictive appropriate residence which is available and

necessary to meet the needs of the ~~[ward]~~ protected person and which is financially feasible.

5. ~~[Except as otherwise provided in subsection 6, a]~~ A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the ~~[ward]~~ protected person to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the ~~[ward]~~ protected person or that there is no appropriate residence available for the ~~[ward]~~ protected person in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.

6. A guardian of the person must file a ~~[petition]~~ notice with the court ~~[requesting authorization] of his or her intent~~ to move a ~~[ward]~~ protected person to or place a ~~[ward]~~ protected person in a secured residential long-term care facility ~~[unless]~~ pursuant to subsection 4 of section 12 of this act unless the secured residential long-term care facility is in this State and:

(a) An emergency condition exists pursuant to subsection 5 of section 12 of this act;

(b) The court has previously granted the guardian authority to move the ~~[ward]~~ protected person to or place the ~~[ward]~~ protected person in such a facility based on findings made when the court appointed the guardian; or

~~[(b)]~~ (c) The move or placement is made pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

8. As used in this section "protective services" has the meaning ascribed to it in NRS 200.5092.

Sec. 27. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the ~~[ward]~~ protected person and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a ~~[ward]~~ protected person to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the attorney for the ~~[ward]~~ protected person, if any.

3. The court may prescribe the form ~~[and contents]~~ for filing a report described in subsection 1. Such a report must include, without limitation:

- (a) The physical condition of the protected person;
- (b) The place of residence of the protected person;
- (c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, assisted living facility or other facility for long-term care; and
- (d) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 28. NRS 159.177 is hereby amended to read as follows:

159.177 1. A guardian of the estate or special guardian who is authorized to manage the ~~[ward's]~~ property of the protected person shall make and file a verified account in the guardianship proceeding:

~~1-1~~ (a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian, unless the court orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the ~~[ward]~~

~~2-1~~ protected person.

(b) Upon filing a petition to resign and before the resignation is accepted by the court.

~~3-1~~ (c) Within 30 days after the date of his or her removal, unless the court authorizes a longer period.

~~4-1~~ (d) Within 90 days after the date of termination of the guardianship or the death of the ~~[ward]~~ protected person, unless the court authorizes a longer period.

~~5-1~~ (e) At any other time as required by law or as the court may order.

2. An account filed pursuant to this section must be served on the attorney of the protected person and, if the protected person is living, on the protected person.

Sec. 29. NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the ~~[ward's]~~ property of a protected person must include, without limitation, the following information:

- (a) The period covered by the account.
- (b) The assets of the protected person at the beginning and end of the period covered by the account, including the beginning and ending balances of any accounts.

(c) All cash receipts and disbursements during the period covered by the account.

~~=(e)=~~ , including, without limitation, any disbursements for the support of the protected person or other expenses incurred by the estate during the period covered by the account.

(d) All claims filed and the action taken regarding the account.

~~=(d)=~~ (e) Any changes in the ~~ward's~~ property of the protected person due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the ~~ward's~~ property holdings of the protected person as reported in the original inventory or the preceding account.

~~=(e)=~~ , including, without limitation, any income received during the period covered by the account.

(f) Any other information the guardian considers necessary to show the condition of the affairs of the ~~ward~~ protected person.

(g) Any other information required by the court.

2. All expenditures included in the account must be itemized.

3. If the account is for the estates of two or more ~~wards~~ protected persons, it must show the interest of each ~~ward~~ protected person in the receipts, disbursements and property.

~~3~~ 4. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. ~~Unless ordered by the court, the~~ The guardian is ~~not~~ only required to file such receipts or vouchers with the court.

~~4~~ if:

(a) The receipt or voucher is for an amount greater than \$250, unless such a requirement is waived by the court; or

(b) The court orders the filing.

5. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

~~5~~ 6. If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 30. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ~~[ward]~~ protected person. In evaluating the ability of a ~~[ward]~~ protected person to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ~~[ward's]~~ assets of the protected person;

(b) The disposable net income of the ~~[ward]~~ protected person;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of paragraph (b), (d), (e), (f) or ~~(h)~~ (k) of subsection 1 of NRS 159.185.

Sec. 31. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ~~[ward]~~ protected person is an adult or NRS 159.061 if the ~~[ward]~~ protected person is a minor;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ~~[ward]~~ protected person;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ~~[ward]~~ protected person or the estate of the ~~[ward]~~ protected person; or

(2) There was a substantial likelihood that the negligence would result in injury to the ~~[ward]~~ protected person or the estate of the ~~[ward]~~ protected person;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The guardian has violated any right of the protected person that is set forth in this chapter;

(h) The guardian has violated a court order or committed an abuse of discretion in making a determination pursuant to subsection 2 of section 5 of this act;

(i) The guardian has violated any provision of sections 4 to 11, inclusive, of this act or a court order issued pursuant to section 6 of this act;

(j) The best interests of the ~~ward~~ protected person will be served by the appointment of another person as guardian; or

~~(h)~~ (k) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 32. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A ~~ward~~ protected person, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the ~~ward~~ protected person.

(c) The name, age and address of the ~~ward~~ protected person, if the ~~ward~~ protected person is not the petitioner, or the date of death of the ~~ward~~ protected person if the ~~ward~~ protected person is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the ~~ward~~ protected person and the proposed disposition of that property.

2. Upon the filing of the petition, the court ~~may~~ shall appoint an attorney to represent the ~~ward~~ protected person if:

(a) The ~~ward~~ protected person is unable to retain an attorney; ~~and~~ or

(b) The court determines that the appointment is necessary to protect the interests of the ~~ward~~ protected person.

3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the ~~ward~~ protected person.

4. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the ~~ward~~ protected person, the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the ~~ward~~ protected person; and

(b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the ~~ward~~ protected person for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the ~~ward~~ protected person and associated with the petition.

~~{Sec. 2.}~~ Sec. 33. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, the county clerk or clerk of the court, as applicable, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer \$56.00

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court 42.00

On the filing of a petition for letters testamentary, letters of administration ~~{,}~~ or setting aside an estate without administration, ~~{or a guardianship,}~~ which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than \$2,500 72.00

Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.

On the filing of a petition for a guardianship, to be paid by the petitioner:

Where the stated value of the estate is more than \$2,500 5.00

Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner 44.00

On the filing of an objection or cross-petition to the appointment of an executor ~~{,}~~ or administrator, ~~{or guardian,}~~ or an objection to the settlement of account or any answer in an estate ~~{or guardianship}~~ matter 44.00

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants 44.00

For filing a notice of appeal	\$24.00
For issuing a transcript of judgment and certifying thereto.....	3.00
For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court.....	0.50
For each certificate of the clerk, under the seal of the court.....	3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court.....	5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise provided for	6.00
For searching records or files in the office of the county clerk or clerk of the court, for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable	0.50
For filing and recording a bond of a notary public, per name	15.00
For entering the name of a firm or corporation in the register of the county clerk	20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk or clerk of the court, as applicable.

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk or clerk of the court, as applicable, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. *Notwithstanding any other provision of law, no fee may be charged or collected for the filing of a petition for a guardianship other than the fee established in subsection 1.*

7. Each county clerk and clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

~~[Sec. 3.]~~ Sec. 34. NRS 19.020 is hereby amended to read as follows:

19.020 1. At the time of the commencement of every civil action or other proceeding in the several district courts, the plaintiff shall pay the clerk of the court in which the action is commenced the sum of \$3, except as otherwise provided by specific statute.

2. At the commencement of any proceeding in any district court for the purpose of procuring an appointment of administration upon the estate of any deceased person, ~~for procuring an appointment as guardian,~~ the party instituting the proceeding shall pay the clerk of the court the sum of \$1.50.

3. Whenever any appeal is taken in a civil action or proceeding from the judgment or decision of a Justice Court, or other tribunal inferior to the district court, the party appealing shall, before the return to the appeal may be filed in the appellate court, pay to the clerk of the appellate court the sum of \$5.

4. The several fees provided for in this section are designated as court fees, and no such action may be deemed commenced, proceedings instituted, nor appeal perfected until the court fees are paid.

~~[Sec. 4.]~~ Sec. 35. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, the clerk of the court shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer \$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants..... \$99

(c) On the filing of a petition for letters testamentary ~~or~~ ~~or~~ letters of administration, ~~for a guardianship,~~ which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is \$200,000 or more \$352

(2) Where the stated value of the estate is more than \$20,000 but less than \$200,000 \$99

(3) Where the stated value of the estate is \$20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto \$200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto \$1,359

(f) On the commencement of:

- (1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or
- (2) Any other action defined as "complex" pursuant to the local rules of practice,
 ➔ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding \$349
- (g) On the filing of a third-party complaint, to be paid by the filing party \$135
- (h) On the filing of a motion to certify or decertify a class, to be paid by the filing party \$349
- (i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court \$10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the district court. The money in that account must be used only:

- (a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;
- (b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

- (1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;
- (2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;
- (3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;
- (4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the

program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court.

4. Each clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to \$10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

~~[Sec. 5.]~~ Sec. 36. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page, \$10.

(b) For each additional page, \$1.

(c) For recording each portion of a document which must be separately indexed, after the first indexing, \$3.

(d) For copying any record, for each page, \$1.

(e) For certifying, including certificate and seal, \$4.

(f) For a certified copy of a certificate of marriage, \$10.

(g) For a certified abstract of a certificate of marriage, \$10.

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount

of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[\$1]~~ \$4 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection *in the following amounts for each fee received:*

(a) ~~Three dollars fee~~ :

~~(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for adult wards :~~

~~(I) Protected persons or proposed adult wards; protected persons who are adults in guardianship proceedings; and~~

~~(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or~~

~~(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.~~

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that

receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 37. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

- (a) For recording any document, for the first page \$10
- (b) For each additional page \$1
- (c) For recording each portion of a document which must be separately indexed, after the first indexing \$3
- (d) For copying any record, for each page \$1
- (e) For certifying, including certificate and seal \$4
- (f) For a certified copy of a certificate of marriage \$10
- (g) For a certified abstract of a certificate of marriage \$10
- (h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[\$4]~~ \$5 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection in the following amounts for each fee received:

(a) Three dollars:

(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

(c) One dollar to an account maintained by the county for the exclusive use of the district court to pay the compensation of investigators appointed by the court pursuant to section 28 of Assembly Bill No. 319 of this session.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 38. NRS 628B.100 is hereby amended to read as follows:

628B.100 ~~["Ward"]~~ "Protected person" has the meaning ascribed to it in NRS 159.027.

Sec. 39. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the term "ward" as it appears in the Nevada Revised Statutes with the term "protected person" in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term "ward" is replaced with the term "protected person" as provided for in this act.

3. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.

~~[Sec. 6.]~~ Sec. 40. The amendatory provisions of section ~~[4]~~ 23 of this act apply to a ~~[request]~~ petition for the appointment of ~~[counsel]~~ a guardian for a proposed protected person that is ~~[made by an adult ward or proposed adult ward]~~ filed on or after July 1, 2017.

~~[Sec. 7.]~~ Sec. 41. 1. This section and sections 1 to 36, inclusive, 38, 39 and 40 of this act ~~[becomes]~~ become effective on July 1, 2017.

2. Section 37 of this act becomes effective on July 1, 2017, if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 484 consolidates certain approved provisions from another guardianship bill, Senate Bill No. 158 of this Session, into Senate Bill No. 433, including, but not limited to replacing the term "ward" in statute with the term "protected person"; clarifying a protected person's rights to communicate, interact and visit with certain persons with whom the protected person shares a relationship of "natural affection."; providing for various petitions to be filed by guardians and other persons, and requiring a court to take certain actions depending upon the nature of the petition. It also requires various notifications that a guardian must provide regarding a protected person; authorizes a guardian to take certain actions in the event that a guardian has been appointed for a protected person's estate; provides penalties that a court may impose on a guardian who violates a protected person's rights; authorizes a court to appoint a volunteer guardian *ad litem* if such a volunteer program exists within the jurisdiction; requires a court to appoint an attorney who works for an organization that provides legal services to the indigent to represent a proposed protected person in certain instances; requires a guardian to file a verified report on a protected person's estate at specified times, and requires a county recorder to charge an additional fee of \$1 for recording certain documents, the proceeds of which are to be remitted to an account for use by the court in paying costs of investigators appointed by the court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 469.

SUMMARY—Revises provisions relating to economic development.
(BDR 32-1001)

AN ACT relating to economic development; revising the requirements that a business must satisfy to obtain a partial abatement of certain taxes and certain transferable tax credits; providing for the partial abatement of certain taxes imposed on a project located at multiple sites in this State that satisfies certain capital investment and other requirements; authorizing a municipality to create an improvement district to acquire, improve, equip, operate and maintain a rail project for a qualified project; revising provisions governing an improvement district created to finance certain infrastructure improvements for a qualified project; revising provisions governing the creation of a tax increment area by the governing body of a municipality; authorizing the governing body of a municipality that creates a tax increment area to enter into a contract for the payment of money in the tax increment account to a property owner to reimburse the property owner for certain costs paid by the property owner for an undertaking; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and meets certain qualifications for the abatement. (NRS 274.310, 274.320, 360.750, 360.752, 360.753, 360.754, 701A.210) Under existing law, a business applying for certain types

of partial abatements may meet the requirements for the partial abatement if the business satisfies certain criteria, even if the business pays its new employees less than the average hourly wage in this State and does not provide health insurance to its employees in this State. Sections 1-3 of this bill revise the eligibility criteria for these partial abatements so that to qualify for the partial abatement, a business is required to pay the new employees hired by the business a wage that is at least equal to the average statewide hourly wage and offer to all of its employees health benefits that meet standards established by the Office. Sections 1-3 and 22 of this bill remove provisions authorizing the Office to make less stringent the requirements related to the payment of wages and the offering of health benefits to employees. However, section 1 also: (1) maintains a provision of existing law that authorizes the Office to approve a reduced partial abatement if the business pays the new employees hired by the business a wage that is less than the average statewide wage; and (2) revises the criteria under which the Office may approve a reduced partial abatement under that provision. Finally, sections 1, 11 and 22 of this bill revise the eligibility criteria for certain partial abatements so that certain criteria applicable to a business expanding or locating in a county whose population is 100,000 or less (currently all counties other than Clark and Washoe Counties) also apply to a business expanding or locating in an area of such a county that is located: (1) within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture; and (2) at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture.

Under existing law, the eligibility criteria for certain partial abatements of taxes and the issuance of certain transferable tax credits require at least 50 percent of the employees engaged or anticipated to be engaged in the construction of the project for which the partial abatement or tax credits are awarded to be residents of this State. Sections 4, 6 and 9 of this bill remove the term "anticipated to be engaged" so that the eligibility criteria for the partial abatements and tax credits require at least 50 percent of the employees engaged in the construction of the project to be residents of this State.

Existing law authorizes the Office of Economic Development to approve applications for partial abatements of certain taxes and the issuance of transferable tax credits submitted by the lead participant engaged in a qualified project with other participants for a common purpose or business endeavor and which is located within the geographic boundaries of a single project site in this State. (NRS 360.880-360.980) Sections 5-7 of this bill authorize the Office to approve an application for partial abatements of certain taxes for qualified projects located on multiple project sites if the capital investment by certain participants in the qualified project will be at least \$1 billion and certain criteria are met. Sections 5 and 8 of this bill revise the definition of a "project" so that: (1) the participants must be engaged in a common business purpose or industry; and (2) such participants must be deemed to be engaged in a common business purpose or industry if the participants are in the same supply chain

related to the common business purpose or industry or provide components or services related to the common business purpose or industry. Sections 6 and 9 of this bill require the lead participant in the qualified project to enter into an agreement with the governing body of the city or county in which the qualified project is located, which requires: (1) the lead participant to pay the cost of certain engineering and design work necessary to determine the cost of infrastructure improvements required by the qualified project; and (2) the governing body of the city or county to reimburse the lead participant for those costs.

Under existing law governing a partial abatement of certain taxes for a qualified project that will make a capital investment in this State of at least \$1 billion, as a condition of the partial abatement, the lead participant is required to pay all or a portion of the abated taxes into a trust fund in the State Treasury until part or all of the requirements for the partial abatement have been met. If the requirements for the partial abatement are met, the abated taxes paid into the trust fund, including the interest and income earned on that money, must be returned to the lead participant. If the requirements for the partial abatement are not met, the money in the trust fund must be transferred to the entity that would have received the money if the partial abatement had not been granted, as determined by the Department of Taxation. (NRS 360.893) ~~[Section]~~ Sections 7 and 9.5 of this bill ~~[provides]~~ provide that if ~~[the requirements for the partial abatement are not met,]~~ certain assessments, or installments thereof, used to pay bonds or other obligations of this State or a local government in connection with the qualified project are delinquent, the money in the trust fund must ~~(first)~~ be used to repay any bonds or other obligations issued by this State or a local government in connection with the qualified project. Section 14.5 of this bill provides that any money collected to enforce the assessment, or installment thereof, including the proceeds of a sale of property to collect or enforce the assessment, or installment thereof, must be used to repay any amounts paid from the trust fund to repay such bonds or other obligations.

Existing law establishes provisions pursuant to which a local government that receives notice from the Office of Economic Development that a qualified project will be located within the jurisdiction of the local government and that determines there is a need to finance infrastructure projects to support the development of the qualified project may submit to the Office an economic development financing proposal pursuant to which the infrastructure projects would be financed from the proceeds of bonds, securities or other indebtedness issued by the State of Nevada. (NRS 360.981-360.992) Before the issuance of any bonds, securities or other indebtedness of the State pursuant to such an economic development financing proposal, the lead participant in the qualified project is required to provide adequate security that the lead participant will carry out the qualified project. Section 10 of this bill provides that a lien for special assessments imposed on the qualified project may constitute such adequate security.

Existing law requires a business applying to the Office for certain partial abatements of property taxes to satisfy certain requirements, including, without limitation, a requirement to make a minimum amount of capital investment in the county in which the business is located. (NRS 361.0687) The minimum amount of the capital investment is scheduled to increase on July 1, 2017. Section 11 of this bill permanently extends the current requirement for the minimum capital investment.

Existing law authorizes the governing body of any county, city or unincorporated town to create an improvement district for the acquisition, operation and maintenance of certain improvement projects and to finance the cost of any project through the issuance of bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325) Existing law authorizes a municipality in which a qualified project is located to create an improvement district to acquire, improve, equip, operate and maintain an electrical project or a fire protection project for the qualified project. (NRS 271.265) Sections 12 and 14 of this bill authorize such a municipality to create an improvement district to acquire, improve, equip, operate and maintain a rail project for a qualified project. Section 16 of this bill amends provisions governing tax increment areas to enact the same definition for "rail project" as is set forth in section 12.

Existing law authorizes the governing body of a municipality to designate a tax increment area for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain undertakings. The designation of a tax increment area by the governing body provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to or indebtedness incurred by the municipality to finance or refinance the undertaking. In addition to such property taxes, a portion of the sales and use taxes imposed within the tax increment area and the excise tax imposed on financial institutions and employers (the "modified business tax") located in the tax increment area may be allocated to pay the debt incurred by the municipality to finance or refinance the undertaking if the undertaking is a rail project in relation to a qualified project or a natural resources project. (Chapter 278C of NRS) Sections 17 and 18 of this bill authorize the governing body of a municipality to enter into an agreement with a property owner in a tax increment area under which the municipality is required to pay the property owner money from the tax increment account for costs incurred by the property owner in connection with an undertaking. Section 15 of this bill enacts a definition of "bond requirements" for the purpose of enabling a municipality to pay a property owner money from the tax increment account in accordance with an agreement entered into pursuant to sections 17 and 18. ~~[Section 19 of this bill removes a provision of existing law that authorizes a natural person who resides in a municipality or owns taxable property in the municipality to submit complaints, protests, objections or comments about an undertaking that the municipality proposes to finance by creating a tax increment area.]~~

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

Section 1. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

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

(d) *Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.*

(e) *The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.*

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least ~~two~~ one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

~~{{(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~————(I) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~————(II) The health care benefits the business provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office.~~

~~—(e)}~~ (g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 , in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least ~~two~~ one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

~~{{(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as~~

~~established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~—(I) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~—(II) The health care benefits the business provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office.~~

~~—(f)}~~ (h) If the business is an existing business, the business meets at least ~~two~~ one of the following requirements:

(1) For a business in:

(I) ~~IA~~ Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

~~{{(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~———— (I) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~———— (II) The health care benefits the business provides to its new employees in this State will meet the minimum requirements for health care benefits established by the Office.~~

~~—(g)}~~ (i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph ~~{{(d), (e) or (f)}~~ (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in ~~[paragraph (d), (e) or (f)]~~ paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is ~~{6}~~ 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than ~~{65}~~ 70 percent of the average statewide hourly wage, as established by the

Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than ~~{6}~~ 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than ~~{80}~~ 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is ~~{6}~~ 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than ~~{80}~~ 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than ~~{6}~~ 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(3) Approve an abatement of the taxes imposed pursuant to chapter 374 of NRS which exceeds the local sales and use taxes. As used in this subparagraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the requirements set forth in subsection 2; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,
→ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. A county treasurer:

- (a) Shall deposit any money that he or she receives pursuant to subsection 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and
- (b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

11. The Nevada Tax Commission:

- (a) Shall adopt regulations regarding:
 - (1) The capital investment that a new business must make to meet the requirement set forth in paragraph ~~[(d)]~~ (f) or ~~[(e)]~~ (g) of subsection 2; and
 - (2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

12. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

13. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 2. NRS 360.752 is hereby amended to read as follows:

360.752 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.

(b) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(c) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(5) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(6) Bind the successors in interest of the business for the specified period.

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

(e) The business does not receive:

(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(f) *The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.*

(g) *The business will offer a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both, and the benefits the business offers to its employees in this State will meet the minimum requirements for benefits established by the Office.*

(h) The business meets the following requirements:

(1) The business makes a capital investment of at least \$1,000,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis during years 2 through 5, inclusive, of the abatement.

~~(4) [The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~———(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and~~

~~———(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~——(5)} The business submits with its application for a partial abatement:~~

(I) A letter of support from the institution in which the capital investment is made, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Office periodic reports, at such times and

containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

~~{{(g)}}~~ (i) In lieu of meeting the requirements of paragraph ~~{{(f)}}~~ (h), the business meets the following requirements:

(1) The business makes a capital investment of at least \$500,000 in the Nevada State College or an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph ~~{{(f)}}~~ (h), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.

(4) ~~[The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~—— (I) The business will provide a health insurance plan for all full time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and~~

~~—— (II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~—— (5) The business submits with its application for a partial abatement:~~

(I) A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional

economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

(b) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved or deemed approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within 30 days after the board of county commissioners receives a copy of the application, the application shall be deemed approved.

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business, ➡ whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the

Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

12. Except as otherwise provided in this subsection, as used in this section, "capital investment" includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or personal property or assets that are included within the definition of "capital investment."

Sec. 3. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

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

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

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

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) *The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.*

(e) *The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.*

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement; and

~~[(e)]~~ (g) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least \$250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement.

(2) The business will maintain and possess in this State tangible personal property having a value of not less than \$5,000,000 during the period of partial abatement.

~~(3) [The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.]~~

~~—(4) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21.~~

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 20 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205. ~~[unless the business is regulated under 14 C.F.R. Part 125 or 135.]~~

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. If the Office of Economic Development approves an application for a partial abatement of local sales and use taxes pursuant to this section, the Department shall issue to the business a document certifying the partial abatement which can be presented to retailers and customers of the business at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2 percent.

12. As used in this section:

(a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) "Component of an aircraft" means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

(e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 4. NRS 360.754 is hereby amended to read as follows:

360.754 1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application;

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Bind the successors in interest of the applicant for the specified period.

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

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 10 or more

full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least \$25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged ~~for anticipated to be engaged~~ in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least \$100,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly

wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged ~~for anticipated to be engaged~~ in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraph (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a state business registration issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection 7 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➡ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the abatement that was allowed pursuant to this section before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially complied with

the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

11. For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

12. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

13. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

14. As used in this section, unless the context otherwise requires:

(a) "Colocated business" means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) "Data center" means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 5. NRS 360.886 is hereby amended to read as follows:

360.886 "Project" means a project undertaken by a business or group of businesses:

1. Located within the geographic boundaries of a single project site or sites in this State; and

2. Engaged in a common *business purpose or ~~business endeavor.~~ industry. A business or group of businesses must be deemed to be engaged in a common business purpose or industry if the business or group of businesses are in a supply chain related to the common business purpose or industry or provide components or services related to the common business purpose or industry.*

Sec. 5.5. NRS 360.888 is hereby amended to read as follows:

360.888 "Qualified project" means a project which the Office of Economic Development determines meets all the requirements set forth in subsections 2, ~~3 and~~ 4 and 5 of NRS 360.889.

Sec. 6. NRS 360.889 is hereby amended to read as follows:

360.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection ~~(3), 4;~~ 4;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least \$1 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common *business* purpose or ~~{business endeavor;}~~ *industry*;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site ~~{} or sites;~~ {} or sites;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged ~~{or anticipated to be engaged}~~ in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged ~~{or anticipated to be engaged}~~ in construction of the project and 50 percent of the employees employed at the project are residents

of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l); ~~and~~

(n) *Enter into an agreement with governing body of the city or county in which the qualified project is located that:*

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body ~~because of the location of the qualified project in the city or county;~~ pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires ~~the governing body of the city or county to reimburse~~ the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) ~~+~~ from the proceeds of bonds issued pursuant to NRS 360.991; and

(o) Meet any other requirements prescribed by the Office.

3. *In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 4 on or before June 30, 2019, and provide documentation satisfactory to the Office that:*

(a) The initial project will have a total of 500 or more full-time employees employed at the site of the initial project and the average hourly wage that will be paid to employees of the initial project in this State is at least 120 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(b) Each participant in the project must be a subsidiary or affiliate of the lead participant; and

(c) Each participant offers primary jobs and:

(1) Except as otherwise provided in subparagraph (2), satisfies the requirements of paragraph (f) or (g) of subsection 2 of NRS 360.750,

regardless of whether the business is a new business or an existing business; and

(2) If a participant owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft, that the participant satisfies the applicable requirements of paragraph (f) or (g) of subsection 2 of NRS 360.753.

↪ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the participants in the project collectively will make a total new capital investment of at least \$1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

4. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site ~~or~~ or sites;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least \$1 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the partial abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

(4) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

~~4.~~ 5. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

(1) Current and valid Nevada driver's license of the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee or a current and valid identification card for the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or

(2) If the employee is a veteran of the Armed Forces of the United States, a current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

~~5.1~~ 6. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

~~6.1~~ 7. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

~~7.1~~ 8. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

~~8.1~~ 9. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

Sec. 7. NRS 360.893 is hereby amended to read as follows:

360.893 1. If the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted pursuant to paragraph (b) of subsection 1 of NRS 360.889, the Office shall immediately forward a certificate of eligibility for the partial abatement of the taxes described in that paragraph to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) The county treasurer of the county in which the qualified project will be located.

2. ~~The~~ *Except as otherwise provided in subsection 3, the partial abatement for the lead participant in the qualified project must:*

(a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;

(b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and

(c) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals the amount of the local sales and use taxes that would otherwise be owed by each participant in the qualified project.

3. *If the qualified project is a project located on more than one site in this State, the partial abatement for the lead participant must:*

(a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;

(b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and

(c) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals that portion of the combined rate of all the local sales and use taxes payable by each participant in the qualified project each year which exceeds 0.6 percent. The Department of Taxation shall issue to the lead participant a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.6 percent. As used in this paragraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act.

➤ Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted pursuant to paragraph (b) of subsection 1 of NRS 360.889 for a lead participant of a

qualified project located on more than one site in this State, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the qualified project for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of the taxes imposed by NRS 374.110 and 374.190.

4. As a condition of approving a partial abatement of taxes pursuant to NRS 360.880 to 360.896, inclusive, the Executive Director of the Office of Economic Development, if he or she determines it to be in the best interests of the State of Nevada, may require the lead participant to pay at such time or times as deemed appropriate, an amount of money equal to all or a portion of the abated taxes into a trust fund in the State Treasury to be held until all or a portion of the requirements for the partial abatement have been met. Interest and income earned on money in the trust fund must be credited to the trust fund. Any money remaining in the trust fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the trust fund must be carried forward to the next fiscal year. Money in the trust fund must not be used for any purpose other than the purposes set forth in ~~subsection 4.~~

~~4.~~ subsections 5 and 6.

5. If any assessment, or installment thereof, imposed on a qualified project pursuant to chapter 271 of NRS is delinquent, the money in the trust fund established pursuant to subsection 4 must:

(a) First be used to repay the bonds or other obligations of the State which are issued in connection with the qualified project.

(b) If any money remains in the trust fund after payments are made pursuant to paragraph (a), be used to repay bonds or other obligations of a municipality issued in connection with the qualified project.

6. Upon a determination by the Executive Director of the Office of Economic Development that the requirements for the partial abatement have been met, the money in the trust fund established pursuant to subsection ~~3,~~ 4, including any interest and income earned on the money during the time it was in the trust fund, must be returned to the lead participant. If the Executive Director of the Office of Economic Development determines that the requirements for the partial abatement have not been met:

(a) Except as otherwise provided in this subsection ~~, the~~ :

~~(1) The money in the trust fund established pursuant to subsection 3, 4, after any payment made pursuant to subsection 5, must be used to repay bonds or other obligations of the State or municipality issued in connection with the qualified project. If, after the repayment in full of such bonds or other obligations, any money remains in the trust fund:~~

~~(1) The money remaining in the trust fund must be~~ transferred to the entity that would have received the money if the Office had not approved the partial abatement, as determined by the Department ~~[-]~~ ; and

(2) Any amount of money in the trust fund used to repay bonds or other obligations of the State or municipality pursuant to subsection 5 must

proportionally reduce the amount transferred to an entity pursuant to subparagraph (1).

(b) The interest and income earned on the money in the trust fund during the time it was in the trust fund must be distributed to an entity receiving a distribution pursuant to paragraph (a) in the proportion that the money distributed to the entity pursuant to that paragraph bears to the total money distributed pursuant to that paragraph.

~~5.1 7.~~ If the Office approves a partial abatement of local sales and use taxes, the Office shall issue to the lead participant in the qualified project a document certifying the partial abatement which can be presented to retailers at the time of sale. The document must clearly state the rate of sales and use taxes which the purchaser is required to pay in the county in which the abatement is effective.

Sec. 7.5. NRS 360.894 is hereby amended to read as follows:

360.894 1. The lead participant in a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets the eligibility requirements for any transferable tax credits issued pursuant to NRS 360.891 and the partial abatement of any taxes pursuant to NRS 360.893.

2. The lead participant shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the lead participant is not entitled if:

(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Executive Director of the Office of Economic Development that the project is a qualified project;

(b) The participants in the qualified project collectively fail to employ the number of qualified employees identified in the certificate of eligibility approved for the qualified project;

(c) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits; or

(d) The lead participant otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to NRS 360.880 to 360.896, inclusive.

3. Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.

4. Notwithstanding any provision of this chapter or chapter 361 of NRS, if the lead participant in a qualified project for which a partial abatement has been approved pursuant to NRS 360.893 and is in effect:

(a) Fails to meet the requirements for eligibility pursuant to that section; or

(b) Ceases operation before the time specified in the agreement described in paragraph (e) of subsection ~~3.1 4~~ of NRS 360.889,

↪ the lead participant shall repay to the Department or, if the partial abatement is from the property tax imposed by chapter 361 of NRS, to the appropriate county treasurer, the amount of the partial abatement that was allowed to the lead participant pursuant to NRS 360.893 before the failure of the lead participant to meet the requirements for eligibility. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the partial abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

5. The Secretary of State may, upon application by the Executive Director of the Office, revoke or suspend the state business registration of the lead participant in a qualified project which is required to repay any portion of transferable tax credits pursuant to subsection 2 or the amount of any partial abatement pursuant to subsection 4 and which the Office determines is not in compliance with the provisions of this section governing repayment. If the state business registration of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business registration suspended pursuant to this subsection or issue a new state business registration to the lead participant whose state business registration has been revoked pursuant to this subsection unless the Executive Director of the Office provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.

Sec. 8. NRS 360.930 is hereby amended to read as follows:

360.930 "Project" means a project undertaken by a business or group of businesses:

1. Located within the geographic boundaries of a single project site in this State; and

2. Engaged in a common *business purpose or ~~business endeavor.~~ industry. A business or group of businesses must be deemed to be engaged in a common business purpose or industry if the business or group of businesses are in a supply chain related to the common business purpose or industry or provide components or services related to the common business purpose or industry.*

Sec. 9. NRS 360.945 is hereby amended to read as follows:

360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 3;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least \$3.5 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common *business* purpose or ~~{business endeavor;}~~ *industry*;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged ~~{or anticipated to be engaged}~~ in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged ~~{or anticipated to be engaged}~~ in construction of the project and 50 percent of the employees employed at the project are residents

of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l); ~~and~~

(n) *Enter into an agreement with governing body of the city or county in which the qualified project is located that:*

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body ~~because of the location of qualified project in the city or county;~~ pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires ~~the governing body of the city or county to reimburse~~ the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) ~~++~~ from the proceeds of bonds of the State of Nevada issued pursuant to NRS 360.991; and

(o) Meet any other requirements prescribed by the Office.

3. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least \$3.5 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project which:

(1) Complies with the requirements of NRS 360.755;

(2) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and

(3) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

Sec. 9.5. NRS 360.990 is hereby amended to read as follows:

360.990 1. Upon receipt of an economic development financing proposal, the Office shall:

(a) Request from the State Treasurer a determination of the capacity available under the State's debt limit; and

(b) In consultation with any person or entity the Office determines is appropriate, review the proposal. The Office may request any additional information from the governing body as it determines is necessary to evaluate the proposal.

2. Except as otherwise provided in paragraph (c) of subsection 3, the Office shall approve, approve and modify, or reject any economic development financing proposal within 45 days after receiving the completed proposal.

3. The Executive Director of the Office may approve an economic development financing proposal only if:

(a) The proposal includes such provisions as the Executive Director of the Office determines are necessary to ensure that:

(1) The Office will enter into one or more agreements with the local government pursuant to which the Office will administer any districts or areas which are or may be created for the purpose of carrying out the infrastructure projects identified in the proposal, including, without limitation, any district or area created pursuant to chapters 271, 271A and 278C of NRS;

(2) The proceeds of any bonds, securities or other indebtedness issued pursuant to NRS 360.991 will be allocated to the Office for the purpose of providing financing for the infrastructure projects identified in the proposal;

(3) The revenues from any districts or areas created for the purpose of financing the infrastructure projects identified in the proposal will be pledged for the repayment of any bonds, securities or other indebtedness issued pursuant to NRS 360.991; and

(4) Notwithstanding any other provision of law, if the revenues from any districts or areas created for the purpose of financing the infrastructure projects identified in the proposal which are pledged for the repayment of the general obligation bonds of the State issued pursuant to NRS 360.991 are insufficient to pay any sums coming due on the bonds, before such sums are paid from the State General Fund, the local government that created the districts or areas shall promptly pay such sums to the extent of the money available in the uncommitted balance of the general fund of the local government. If the money available in the uncommitted balance of the general fund of the local government is insufficient to pay the sums coming due on the bonds ~~the~~ and if, pursuant to subsection 4 of NRS 360.893, the Executive Director of the Office of Economic Development required the lead participant to pay money into a trust fund in the State Treasury, the money in the trust fund, including any interest and income earned on the money during the time it was in the trust fund, must be used to pay sums coming due on the bonds. If the amount of money in the trust fund is insufficient to pay the sums coming due on the bonds, the remainder of such sums must be paid in accordance with the State Securities Law. The payment of any sums by a local government pursuant to this subparagraph is not secured by a pledge of the taxing power of the local

government. For the purposes of this subparagraph the uncommitted balance of the general fund of a local government is the uncommitted balance as determined by the Department of Taxation.

(b) The Executive Director of the Office makes a finding, which shall be conclusive, that the revenues pledged as provided in subparagraph (3) of paragraph (a) will be sufficient, together with any capitalized interest, to fully repay any bonds, securities or other indebtedness issued pursuant to NRS 360.991.

(c) For a proposal submitted on or after July 1, 2017, the Office submits the proposal to and obtains the approval of the Legislature or the Interim Finance Committee if the Legislature is not in session.

4. In addition to the agreements described in subparagraph (1) of paragraph (a) of subsection 3, the Office may enter into one or more cooperative agreements with any state or local agency which the Office determines is necessary to carry out an economic development financing proposal approved pursuant to this section.

5. If the Office approves an economic development financing proposal, the Office shall provide notice and a copy of the decision approving the proposal to the governing body of the local government and the State Board of Finance.

Sec. 10. NRS 360.991 is hereby amended to read as follows:

360.991 1. As soon as practicable after receiving notice from the Office that it has approved an economic development financing agreement, the State Board of Finance shall issue general obligation bonds of the State of Nevada to finance the infrastructure projects identified in the economic development financing agreement. The provisions of the State Securities Law contained in chapter 349 of NRS apply to the issuance of bonds pursuant to this section. The State Board of Finance shall issue the bonds in the amount set forth in the economic development financing agreement but shall not issue bonds in an amount that exceeds \$175,000,000 for each economic development financing agreement or have outstanding at any time bonds issued pursuant to this section in an amount that exceeds \$200,000,000. Before any bonds may be issued pursuant to this section, the lead participant in the qualified project must provide adequate security that the lead participant will carry out the qualified project. The security may consist of one or more performance bonds or similar documents, actual expenditures on the qualified project, commitments to make such expenditures, *a lien for special assessments pursuant to chapter 271 of NRS* or other security deemed appropriate by the Executive Director of the Office. ~~It~~ in consultation with the Office of the State Treasurer. A commitment to make an expenditure may be conditioned upon the issuance of bonds pursuant to this section but may not be subject to any other conditions.

2. The proceeds of any bonds issued pursuant to subsection 1 must be allocated to the Office in the manner prescribed by the economic development financing agreement.

Sec. 11. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) ~~[(1)]~~ Except as otherwise provided in paragraph (b), if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more ~~[(1)]~~:

~~—(1) The~~, the business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

~~[(1)]~~ (1) At least ~~[\$50,000,000]~~ \$5,000,000 if the business is an industrial or manufacturing business; or

~~[(1)]~~ (2) At least ~~[\$5,000,000]~~ \$1,000,000 if the business is not an industrial or manufacturing business,

↪ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective . ~~[(1)]~~ and

~~—(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.]~~

(b) If the business is a new business in a county whose population is less than 100,000 , in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000 ~~[(1)]~~:

~~—(1) The~~, the business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

~~[(1)]~~ (1) At least ~~[\$5,000,000]~~ \$1,000,000 if the business is an industrial or manufacturing business; or

~~[(1)]~~ (2) At least ~~[\$500,000]~~ \$250,000 if the business is not an industrial or manufacturing business,

↪ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective . ~~[(1)]~~ and

~~—(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established~~

~~by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.]~~

3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Subject to any limitation on the abatement set forth in NRS 360.750, not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is or will be located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 12. Chapter 271 of NRS is hereby amended by adding thereto a new section to read as follows:

"Rail project" means any railroad, railroad tracks, rail spurs and any structures or facilities necessary for freight rail service provided by a regional transportation commission pursuant to NRS 277A.283, including, without limitation, equipment, terminals, stations, platforms and other facilities necessary, useful or desirable for such a project and all property, easements, rights-of-way and other rights or interests incidental to the project.

Sec. 13. NRS 271.030 is hereby amended to read as follows:

271.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 271.035 to 271.253, inclusive, and section 12 of this act have the meanings ascribed to them in those sections.

Sec. 14. NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

(a) A curb and gutter project;

(b) A drainage project;

(c) An energy efficiency improvement project;

(d) A neighborhood improvement project;

(e) An off-street parking project;

(f) An overpass project;

(g) A park project;

(h) A public safety project;

- (i) A renewable energy project;
- (j) A sanitary sewer project;
- (k) A security wall;
- (l) A sidewalk project;
- (m) A storm sewer project;
- (n) A street project;
- (o) A street beautification project;
- (p) A transportation project;
- (q) An underpass project;
- (r) A water project;
- (s) A waterfront project; and
- (t) Any combination of such projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) An electrical project;
- (b) A telephone project;
- (c) A combination of an electrical project and a telephone project;
- (d) A combination of an electrical project or a telephone project with any of the projects, or any combination thereof, specified in subsection 1; and
- (e) A combination of an electrical project and a telephone project with any of the projects, or any combination thereof, specified in subsection 1.

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval of each service provider that owns the overhead service facilities to be converted.

4. In addition to the power specified in subsections 1, 2 and 3, if the governing body of a municipality in a county whose population is less than 700,000 complies with the provisions of NRS 271.650, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) An art project; and
- (b) A tourism and entertainment project.

5. In addition to the power specified in this section, if a qualified project is located within the jurisdiction of the municipality, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality, an electrical project for the qualified project , ~~for~~ a fire

protection project for the qualified project ~~{-}~~ or a rail project for the qualified project.

6. As used in this section, "qualified project" has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 14.5. NRS 271.635 is hereby amended to read as follows:

271.635 1. Notwithstanding any provision of this chapter to the contrary, if the governing body submits to the Office of Economic Development an economic development financing proposal described in NRS 360.989 and the Office approves the proposal and an economic development financing agreement pursuant to NRS 360.990, any improvement district which is or may be created for the purpose of carrying out the projects identified in the proposal must be administered as provided in the agreement.

2. The economic development financing agreement may provide, without limitation, that:

(a) The Office of Economic Development, the Executive Director of the Office or any designee of either is authorized or required to perform any function or duty that under the provisions of this chapter would otherwise be performed by the municipality, the governing body or any officer or employee of the municipality.

(b) Any assessments or other money collected pursuant to this chapter must be paid, collected, deposited, distributed or remitted as provided in the agreement, notwithstanding any provision of this chapter to the contrary.

(c) It may be modified at any time by the Executive Director of the Office of Economic Development, in the exercise of his or her discretion and upon approval of the Board of Economic Development.

3. Notwithstanding any other provision of law, if an improvement district is administered pursuant to an economic development financing agreement and any assessment, or installment thereof, required to be paid pursuant to this chapter is delinquent, any money collected to enforce the assessment, or installment thereof, including, without limitation, the proceeds of a sale of property to collect or enforce the assessment, or installment thereof, must, before being deposited, distributed or remitted for any other purpose, be used to repay any amounts paid pursuant to subsection 5 of NRS 360.893 from the trust fund established pursuant to subsection 4 of that section.

Sec. 14.7. NRS 271B.070 is hereby amended to read as follows:

271B.070 1. Except as otherwise provided in this section, if a qualified project is located within the jurisdiction of a municipality, the governing body of the municipality may:

(a) Create an economic diversification district for the purposes of carrying out this chapter by adopting an ordinance describing the boundaries of the district, which must be the geographic boundaries of the qualified project, and generally describing the purposes within the district for which money pledged pursuant to this chapter may be used; and

(b) For the purposes of carrying out paragraph (a), include in an ordinance adopted pursuant to that paragraph the pledge of an amount equal to the

proceeds of all sales and use taxes imposed on or owed by each participant in the qualified project with regard to tangible personal property purchased in the municipality for use in the district, or stored, used or otherwise consumed in the district by the participant, during a fiscal year other than the amount of any local sales and use taxes for which the lead participant has received an abatement pursuant to an application approved by the Office of Economic Development pursuant to NRS 360.950.

2. The governing body of a municipality may not include in an ordinance adopted to create a district pursuant to paragraph (a) of subsection 1 on or after September 11, 2014, the pledge of any proceeds of the taxes imposed pursuant to NRS 374.110 or 374.111 and NRS 374.190 or 374.191 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, if the governing body obtains an opinion from independent bond counsel stating that the applicability of this provision would impair an existing contract for the sale of bonds which were issued before September 11, 2014.

3. If:

(a) The qualified project is a qualified project described in NRS 360.888;

(b) The governing body of the municipality includes in the ordinance adopted pursuant to paragraph (a) of subsection 1 a pledge of money pursuant to paragraph (b) of subsection 1; and

(c) The Executive Director of the Office of Economic Development has required the lead participant to make payments to a trust fund in the State Treasury pursuant to subsection ~~4~~ 4 of NRS 360.893,

the governing body must include in the ordinance a provision providing that the pledge of that money is conditioned upon the lead participant qualifying for a return of the money paid into the trust fund pursuant to subsection ~~4~~ 6 of NRS 360.893.

4. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

Sec. 14.9. NRS 271B.080 is hereby amended to read as follows:

271B.080 1. After the adoption of an ordinance pursuant to NRS 271B.070:

(a) The governing body of the municipality and the Department of Taxation shall enter into an agreement specifying the dates and procedure for distribution to the municipality of any money pledged pursuant to NRS 271B.070.

(b) If the qualified project is a qualified project described in NRS 360.888 and the Executive Director of the Office of Economic Development has required the lead participant to make payments to a trust fund in the State Treasury pursuant to subsection ~~4~~ 4 of NRS 360.893, the Department of Taxation shall deposit in that trust fund the proceeds of any taxes conditionally pledged pursuant to subsection 3 of NRS 271B.070 until:

(1) The lead participant qualifies for a return of the money paid into the trust fund pursuant to subsection ~~44~~ 6 of NRS 360.893, in which case the taxes conditionally pledged, including any interest and income earned on those taxes, must be distributed pursuant to the agreement described in paragraph (a); or

(2) The Executive Director determines that the requirements for the partial abatement set forth in NRS 360.893 have not been met, in which case any taxes conditionally pledged and deposited in the trust fund must be transferred to the entity that would have received those taxes if the taxes had not been conditionally pledged, as determined by the Department of Taxation. The interest and income earned on those taxes during the time the taxes were in the trust fund must be distributed to an entity receiving a distribution pursuant to this subparagraph in the proportion that the taxes distributed to the entity pursuant to this subparagraph bears to the total taxes distributed pursuant to this subparagraph.

2. If the qualified project is a qualified project described in NRS 360.940, the distributions pursuant to the agreement described in paragraph (a) of subsection 1 must:

(a) Be made not less frequently than monthly; and

(b) Cease at the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs.

3. If the qualified project is a qualified project described in NRS 360.888, the distributions pursuant to the agreement described in paragraph (a) of subsection 1 must:

(a) Be made not less frequently than monthly;

(b) Cease at the end of the fiscal year in which the 15th anniversary of the adoption of the ordinance creating the district occurs; and

(c) If the Executive Director of the Office of Economic Development has required the lead participant to make payments to a trust fund in the State Treasury pursuant to subsection ~~44~~ 4 of NRS 360.893, not commence until the lead participant qualifies for a return of the money paid into the trust fund pursuant to subsection ~~44~~ 6 of NRS 360.893.

Sec. 15. Chapter 278C of NRS is hereby amended by adding thereto a new section to read as follows:

"Bond requirements" means the principal of, any prior redemption premiums due in connection with and the interest on, or other amounts due in connection with, the designated bonds or other securities, advances, loans or indebtedness.

Sec. 16. NRS 278C.105 is hereby amended to read as follows:

278C.105 "Rail project" means any railroad, railroad tracks, rail spurs and any structures or facilities necessary for ~~for a freight rail port, and all appurtenances and incidentals, or any combination thereof, including real and other property therefor.~~ service provided by a regional transportation commission pursuant to NRS 277A.283, including, without limitation, equipment, terminals, stations, platforms and other facilities necessary, useful

or desirable for such a project and all property, easements, rights-of-way and other rights or interests incidental to the project.

Sec. 17. NRS 278C.150 is hereby amended to read as follows:

278C.150 1. Except as otherwise provided in subsections 2, 3 and 4, the governing body of a municipality, on the behalf and in the name of the municipality, may designate a tax increment area comprising any specially benefited zone within the municipality designated for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the cost of an undertaking, including, without limitation, the condemnation of property for an undertaking, as supplemented by the Local Government Securities Law, except as otherwise provided in this chapter. *The governing body of a municipality, on behalf and in the name of the municipality, may enter into a contract with any property owner in a tax increment area agreeing to pay tax increment revenues from the tax increment account created by NRS 278C.250 to such property owner for costs incurred by such owner in connection with an undertaking. Such a contract constitutes an indebtedness of the municipality for the purposes of this chapter but is not a security for the purposes of NRS 278C.280.*

2. The right-of-way property of a railroad company that is under the jurisdiction of the Surface Transportation Board must not be included in a tax increment area unless the inclusion of the property is mutually agreed upon by the governing body and the railroad company.

3. A tax increment area may not include a property that is, at the time the boundaries of the tax increment area are created, included within a redevelopment area previously established pursuant to the laws of this State.

4. The taxable property of a tax increment area must not be included in any subsequently created tax increment area until at least 50 years after the effective date of creation of the first tax increment area in which the property was included.

Sec. 18. NRS 278C.157 is hereby amended to read as follows:

278C.157 1. A municipality may adopt an ordinance ordering an undertaking and creating the tax increment area and the tax increment account pertaining thereto pursuant to NRS 278C.220 which includes provisions for:

(a) The allocation of the proceeds of any tax on the sale or use of tangible personal property to the tax increment account of the proposed tax increment area pursuant to paragraph (b) of subsection 1 of NRS 278C.250;

(b) The allocation of the proceeds of any tax imposed pursuant to NRS 363A.130 and 363B.110 to the tax increment account of the proposed tax increment area pursuant to paragraph (c) of subsection 1 of NRS 278C.250; ~~{or}~~

(c) The issuance of municipal securities and revenue securities described in paragraph (f) of subsection 1 of NRS 278C.280 ~~{-}~~; or

(d) *Making a contract with any property owner in a tax increment area agreeing to pay tax increment revenues from the tax increment account*

created by NRS 278C.250 to the property owner to reimburse the owner for costs incurred by the owner in connection with an undertaking, which contract constitutes an indebtedness of the municipality for the purposes of this chapter but is not a security for the purposes of NRS 278C.280,

➡ only for an undertaking that is a rail project in relation to a qualified project or a natural resources project, and only after approval by the Interim Finance Committee of a written request submitted by the municipality.

2. The Interim Finance Committee may approve a request submitted pursuant to this section only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will not threaten the protection and preservation of the property and natural resources of the State of Nevada.

3. A request submitted pursuant to this section must include any information required by the Interim Finance Committee.

4. As used in this section, "qualified project" has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 19. ~~[NRS 278C.170 is hereby amended to read as follows:~~

~~278C.170 1. In the resolution making the provisional order, the governing body shall set a time and place for a meeting to consider the ordering of the undertaking and hear all complaints, protests, objections and other relevant comments concerning the undertaking that are made in accordance with subsection 2. The time for the meeting must be at least 20 days after the date the governing body adopts the resolution that provisionally orders the undertaking.~~

~~2. The Federal Government, the State, any public body [, any natural person who resides in the municipality or owns taxable personal or real property in the municipality,] or any retailer or employer, if applicable, that is located within the proposed tax increment area pertaining to the undertaking [, or any representative of any such natural person or entity,] may submit a complaint, protest, objection or other comment about the undertaking before the governing body. If such an entity or person desires to submit a complaint, protest, objection or other comment about the undertaking for consideration by the governing body, the entity or person must:~~

~~(a) File a written complaint, protest, objection or other comment about the undertaking with the clerk at least 3 days before the date of the meeting described in subsection 1;~~

~~(b) Present an oral complaint, protest, objection or other comment about the undertaking to the governing body at the meeting described in subsection 1; or~~

~~(c) Present the complaint, protest, objection or other comment in the manner required pursuant to paragraphs (a) and (b).~~

~~3. Notice of the meeting described in subsection 1 must be given:~~

~~—(a) To all persons on the list established pursuant to NRS 278C.180, by mailing;~~

~~—(b) By posting; and~~

~~—(c) By publication.~~

~~4. The notice must:~~

~~—(a) Describe the undertaking and the project or projects relating thereto without mentioning minor details or incidentals;~~

~~—(b) State the preliminary estimate of the cost of the undertaking, including all incidental costs, as stated in the preliminary plans, estimate of costs and statements of the engineer filed with the clerk pursuant to NRS 278C.160;~~

~~—(c) Describe the proposed tax increment area pertaining to the undertaking, including:~~

~~—(1) The last finalized amount of the assessed valuation of the taxable property in the area, and the amount of taxes, including in such amount the sum of any unpaid taxes, whether or not delinquent, resulting from the last taxation of the property, based upon the records of the county assessor and the county treasurer; and~~

~~—(2) If the undertaking is a natural resources project or a rail project for which the municipality has received approval from the Interim Finance Committee pursuant to NRS 278C.157;~~

~~—(I) The total amount of taxes imposed on the sale or use of tangible personal property in the area in the immediately preceding fiscal year, based upon the records of the Department of Taxation; and~~

~~—(II) The total amount of taxes imposed pursuant to NRS 363A.130 and 363B.110 on employers in the area in the immediately preceding fiscal year, based upon the records of the Department of Taxation;~~

~~—(d) State what portion of the expense of the undertaking will be paid with the proceeds of securities or other allowable borrowing instruments issued by the municipality in anticipation of tax proceeds to be credited to the tax increment account and payable wholly or in part therefrom, and state the basic security and any additional security for the payment of securities or other allowable borrowing instruments of the municipality pertaining to the undertaking;~~

~~—(e) State how the remaining portion of the expense, if any, is to be financed;~~

~~—(f) State the estimated amount of the tax proceeds to be credited annually to the tax increment account pertaining to the undertaking during the term of the proposed securities or other allowable borrowing instruments payable from such proceeds, and the estimated amount of any net revenues derived annually from the operation of the project or projects pertaining to the undertaking and pledged for the payment of those securities or other allowable borrowing instruments;~~

~~—(g) State the estimated aggregate principal amount to be borrowed by the issuance of the securities or other allowable borrowing instruments, excluding proceeds thereof to fund or refund outstanding securities, and the estimated~~

~~total bond requirements of the securities or other allowable borrowing instruments;~~

~~— (h) Find, determine and declare that the estimated tax proceeds to be credited to the tax increment account and any such net pledged revenues will be fully sufficient to pay the bond requirements of the securities or other allowable borrowing instruments as they become due; and~~

~~— (i) State the date, time and place of the meeting described in subsection 1.~~

~~— 5. All proceedings may be modified or rescinded wholly or in part by resolution adopted by the governing body at any time before the governing body passes the ordinance ordering the undertaking and creating the tax increment area and the tax increment account pertaining thereto pursuant to NRS 278C.220.~~

~~— 6. Except as otherwise provided in this section, a public body shall not make a substantial change in the undertaking, the preliminary estimates, the proposed tax increment area or other statements relating thereto after the first publication or posting of notice or after the first mailing of notice to the property owners, whichever occurs first, without additional notice and a hearing pursuant to this section. A public body may delete a portion of the undertaking and property from the proposed tax increment area without notice and a hearing pursuant to this section. A subsequent final determination of the amount of assessed valuation of taxable property in the tax increment area or a subsequent levy or imposition of taxes does not adversely affect proceedings taken pursuant to this chapter.~~

~~— 7. The engineer may make minor changes in and develop the undertaking as to the time, plans and materials entering into the undertaking at any time before its completion. Any minor changes authorized by this subsection must be made a matter of public record at a public meeting of the governing body.]~~
(Deleted by amendment.)

Sec. 20. NRS 278C.270 is hereby amended to read as follows:

278C.270 The Federal Government, the State, any public body or any [natural] person filing a written complaint, protest or objection in the manner and within the time provided in NRS 278C.170, may, within 30 days after the governing body has finally passed on the complaint, protest or objection by resolution pursuant to NRS 278C.210 or by ordinance pursuant to NRS 278C.220, commence an action or suit in a court of competent jurisdiction to correct or set aside the determination, but thereafter all actions or suits attacking the validity of the proceedings are perpetually barred.

Sec. 21. NRS 350A.070 is hereby amended to read as follows:

350A.070 "Municipal securities" means notes, warrants, interim debentures, bonds and temporary bonds validly issued as obligations for a purpose related to natural resources which are payable:

1. From taxes whether or not additionally secured by any municipal revenues available therefor;

2. For bonds issued by an irrigation district, from assessments against real property;

3. For bonds issued by a water authority organized as a political subdivision created by cooperative agreement, from revenues of the water system of the water authority or one or more of the water purveyors who are members of the water authority or any combination thereof;

4. For bonds issued by a wastewater authority, from revenues of the water reclamation system of the wastewater authority or one or more of the municipalities that are members of the wastewater authority, or any combination thereof;

5. For bonds issued by a flood management authority, from revenues of the flood management authority or one or more of the municipalities that are members of the flood management authority, or any combination thereof; or

6. For assessment bonds issued by a municipality under chapter 271 of NRS ~~[-] from assessments against real property.~~

Sec. 22. NRS 701A.365 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by

the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

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

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

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

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

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

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. As used in this section, "wage" or "wages" has the meaning ascribed to it in NRS 338.010.

Sec. 23. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. The amendatory provisions of this act do not apply to or otherwise affect any abatement of taxes or deferment of the payment of taxes approved by the Office of Economic Development or the Director of the Office of Energy before July 1, 2017.

Sec. 25. 1. This act becomes effective on July 1, 2017.

2. Section 2 of this act expires by limitation on June 30, 2023.

3. Sections 5, ~~5.5, 6, and 7~~, 7.5, 14.7 and 14.9 of this act expire by limitation on June 30, 2032.

4. Section 3 of this act expires by limitation on June 30, 2035.

5. Sections 8 and 9 of this act expire by limitation on June 30, 2036.

6. Section 22 of this act expires by limitation on June 30, 2049.

7. Section 4 expires by limitation on December 31, 2056.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 469 to Senate Bill No. 442 establishes a new abatement program to be administered by the Governor's Office of Economic Development (GOED) in which the lead participant of a project making a capital investment of at least \$1 billion is authorized to qualify for the \$1 billion investment requirement based on projects located on multiple sites. The project would be eligible to receive the same level of abatements authorized under current law for projects of at least \$1 billion.

Eligibility for the new program requires the initial project to have at least 500 full time employees who will be paid at least 120 percent of the Statewide average wage. Each participant in the project must be a subsidiary or affiliate of the lead participant and must offer primary jobs.

Each additional project included in the multiple site project must meet the current, minimum

capital-investment requirements for an expanding business, and an application for the abatement program must be submitted to GOED on or before June 30, 2019.

The amendment allows certain rural areas which are located in an urban county to be considered a rural area for the purposes of the eligibility criteria for businesses to qualify for a partial abatement, if the area is classified as a rural by the United States Department of Agriculture-Rural Development.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 447.

Bill read second time.

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

Amendment No. 511.

SUMMARY—Revises provisions relating to absentee voting. (BDR 24-1125)

AN ACT relating to elections; authorizing any registered voter to request absent ballots for all elections held during the year he or she requests an absent ballot; authorizing a registered voter with a physical disability or who is at least 65 years of age to request absent ballots for all elections held after submission of the request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any registered who provides sufficient written notice to the county or city clerk may vote an absent ballot for an election, but a registered voter who has a physical disability or condition which substantially impairs his or her ability to go to a polling place for an election may request an absent ballot for all elections that are overseen by a county clerk and are held during the year the voter requests an absent ballot. (NRS 293.313) Also under existing law, a registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may request that the county or city clerk, as applicable, issue him or her an absent ballot for each election, including each city election, that is conducted during the year immediately succeeding the date the request is made to the clerk. (NRS 293.3165, 293C.318)

Sections 2 and 8 of this bill authorize any registered voter to request an absent ballot for all elections that are overseen by a county or city clerk and are held during the year the voter requests an absent ballot. Sections ~~2~~ 5 and ~~3~~ 16 of this bill authorize a registered voter with a physical disability or who is at least 65 years of age to ~~instead~~ submit a written statement to the appropriate county clerk or city clerk requesting that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. ~~[Section 1 of this bill makes conforming changes.]~~

Existing law requires, with limited exception, that requests for absent ballots be returned to a county or city clerk in person or by mail or facsimile machine. (NRS 293.323, 293C.322) Sections 1, 2, 5, 7, 12, 13 and 16 of this bill provide

that the request may be returned in person or by mail or approved electronic transmission.

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

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

As used in NRS 293.309 to 293.340, inclusive, "sufficient written notice" means a:

1. Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail or approved electronic transmission;

2. Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or approved electronic transmission; or

3. Form provided by the Federal Government.

~~{Section 1.}~~ Sec. 2. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter ~~{who, provides}~~ may request an absent ballot if, before 5 p.m. on the seventh calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk {may vote an absent ballot as provided in this chapter.}; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. A registered voter ~~{who:~~

~~(a) Is is at least 65 years of age; or~~

~~(b) Has a physical disability or condition which substantially impairs his or her ability to go to the polling place;~~

~~→} may request an absent ballot for all elections held during the year he or she requests an absent ballot.~~

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~{5. As used in this section, "sufficient written notice" means a:~~

~~(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine;~~

~~(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or~~

~~(c) Form provided by the Federal Government.}~~

Sec. 3. NRS 293.315 is hereby amended to read as follows:

293.315 1. ~~[A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to that clerk for an absent voter's ballot. The application]~~ Every request for an absent ballot must be made available for public inspection.

2. ~~[When the voter has identified himself or herself to the satisfaction of the clerk, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use.]~~

~~3.]~~ A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless the county clerk knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.

Sec. 4. NRS 293.316 is hereby amended to read as follows:

293.316 1. Any registered voter who is unable to go to the polls:

(a) Because of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) Because the registered voter is suddenly hospitalized, becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS ~~(293.315)~~ 293.313.

➔ may submit a written request to the county clerk for an absent ballot. The request may be submitted at any time before 5 p.m. on the day of the election.

2. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 3, the county clerk shall, at the office of the county clerk, deliver an absent ballot to the person designated in the request to obtain the ballot for the registered voter.

3. A written request submitted pursuant to subsection 1 must include:

(a) The name, address and signature of the registered voter requesting the absent ballot;

(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the ballot for the registered voter;

(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home after the time had elapsed for requesting an absent ballot;

(d) If the voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and

(e) Unless the person designated pursuant to paragraph (b) will mark and sign an absent ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the ballot.

4. Except as otherwise provided in subsection 5, after marking the ballot, the voter must:

(a) Place it in the identification envelope;

(b) Affix his or her signature on the back of the envelope; and

(c) Return it to the office of the county clerk.

5. A person designated in a request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter.

6. A request for an absent ballot submitted pursuant to this section must be made, and the ballot delivered to the voter and returned to the county clerk, not later than the time the polls close on election day.

7. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

~~{Sec. 2.}~~ Sec. 5. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter ~~{who, because of}~~ *with* a physical disability ~~{, is unable to mark or sign a ballot or use a voting device without assistance} {may submit a written statement} or who is at least 65 years of age and provides sufficient written notice~~ to the appropriate county clerk ~~{requesting} may request~~ that the registered voter receive an absent ballot for ~~{each election conducted during the period specified in subsection 3.} all {primary elections, primary city elections, general elections, general city elections and special} elections at which the registered voter is eligible to vote.~~

2. ~~{A written statement submitted pursuant to subsection 1 must:~~

—(a) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

—(b) Include the name, address and signature of the person designated pursuant to paragraph (a).

—3. ~~{Upon}~~ *Except as otherwise provided in subsection 4, upon* receipt of a ~~{written statement} request~~ submitted by a registered voter pursuant to subsection 1, the county clerk shall ~~{, if the statement includes the information required pursuant to subsection 2, issue} :~~

(a) Issue an absent ballot to the registered voter for each *primary election, general election and special election other than a special city election* that is conducted ~~{during the year immediately succeeding} after~~ the date the written statement is submitted to the county clerk.

~~{4. A person designated pursuant to paragraph (a) of subsection 2 may,}~~

(b) *Inform the applicable city clerk of receipt of the written statement. Upon receipt of the notice from the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the date the city clerk receives notice from the county clerk.*

3. *If, at the direction of the registered voter, a person {marks} :*

(a) *Marks and signs an absent ballot issued to ~~for~~ the registered voter pursuant to the provisions of this section on behalf of {and at the direction of} the registered voter, {mark and sign an absent ballot issued to the registered*

voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person ~~[shall]~~ must ~~[indicate]~~ :

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter.

~~5. 4. ; and~~

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A county clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; or

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 293.535 or 293.540.

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 6. NRS 293.320 is hereby amended to read as follows:

293.320 The county clerk shall determine before issuing an absent ballot that the person ~~[making application]~~ who requested the absent ballot is a registered voter in the proper county.

Sec. 7. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, if the request for an absent ballot is made by mail or ~~[facsimile machine]~~ approved electronic transmission, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot:

- (a) An absent ballot;
- (b) A return envelope;
- (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- (d) An identification envelope, if applicable; and
- (e) Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use ~~[a facsimile machine]~~ approved electronic transmission to send an absent ballot and instructions to the voter. The voter may mail the absent ballot to the county clerk or submit the absent ballot by ~~[facsimile machine]~~ approved electronic transmission.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and chapter 293D of NRS.

5. Before depositing a ballot in the mail or sending a ballot by ~~facsimile machine,~~ approved electronic transmission, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, the registered voter's precinct or district, and political affiliation, if any, the number of the ballot and any remarks the county clerk finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 8. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316 ~~to~~ and 293.3165, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the

voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 9. NRS 293.333 is hereby amended to read as follows:

293.333 Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or ~~facsimile,~~ approved electronic transmission must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the ~~facsimile,~~ approved electronic transmission must be compared with that on the application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall indicate in the roster "Voted" by the name of the voter.

Sec. 10. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to the election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes and approved electronic transmissions containing rejected ballots must be returned to the county clerk. On all envelopes and approved electronic transmissions containing rejected ballots the cause of rejection must be noted and the envelope or approved electronic transmission signed by a majority of the election board officers.

Sec. 11. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 4 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296, 293.313, ~~subsection 1 of NRS 293.315, NRS~~ 293.316 and 293.3165.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

- (a) Related to elections; and
- (b) Made available by the county clerk to the public in printed form.

Sec. 12. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

As used in NRS 293C.305 to 293C.340, inclusive, "sufficient written notice" means a:

1. Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by approved electronic transmission;

2. Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

3. Form provided by the Federal Government.

Sec. 13. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter ~~[who provides]~~ may request an absent ballot if, before 5 p.m. on the seventh calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the city clerk [may vote an absent ballot as provided in this chapter.]; and

(b) Has identified himself or herself to the satisfaction of the city clerk.

2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the primary and general elections immediately following the date on which the city clerk received the request.

3. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[4. As used in this section, "sufficient written notice" means a:~~

~~(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;~~

~~(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or~~

~~(c) Form provided by the Federal Government.]~~

Sec. 14. NRS 293C.312 is hereby amended to read as follows:

293C.312 1. ~~[A registered voter referred to in NRS 293C.310 may, at any time before 5 p.m. on the seventh calendar day preceding any election,~~

~~make an application to the city clerk for an absent voter's ballot. The application.~~ Every request for an absent ballot must be made available for public inspection.

2. ~~[When the voter has identified himself or herself to the satisfaction of the city clerk, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use.~~

~~3.]~~ A city clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless the city clerk knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy the information.

Sec. 15. NRS 293C.317 is hereby amended to read as follows:

293C.317 1. Any registered voter who is unable to go to the polls:

(a) Because of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) Because the registered voter is suddenly hospitalized, becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS ~~(293C.312,)~~ 293C.310.

➔ may submit a written request to the city clerk for an absent ballot. The request may be submitted at any time before 5 p.m. on the day of the election.

2. If the city clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 3, the city clerk shall, at the office of the city clerk, deliver an absent ballot to the person designated in the request to obtain the ballot for the registered voter.

3. A written request submitted pursuant to subsection 1 must include:

(a) The name, address and signature of the registered voter requesting the absent ballot;

(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the ballot for the registered voter;

(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home after the time had elapsed for requesting an absent ballot;

(d) If the voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and

(e) Unless the person designated pursuant to paragraph (b) will mark and sign an absent ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the ballot.

4. Except as otherwise provided in subsection 5, after marking the ballot the voter must:

(a) Place it in the identification envelope;

(b) Affix his or her signature on the back of the envelope; and

(c) Return it to the office of the city clerk.

5. A person designated in a request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter.

6. A request for an absent ballot submitted pursuant to this section must be made, and the ballot delivered to the voter and returned to the city clerk, not later than the time the polls close on election day.

7. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

~~{Sec. 3.}~~ Sec. 16. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter ~~{who, because of}~~ with a physical disability ~~{, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement}~~ or who is at least 65 years of age and provides sufficient written notice to the appropriate city clerk ~~{requesting}~~ may request that the registered voter receive an absent ballot for ~~{each city election conducted during the period specified in subsection 3.}~~ all {primary elections, primary city elections, general elections, general city elections and special} elections at which the registered voter is eligible to vote.

2. ~~{A written statement submitted pursuant to subsection 1 must:~~

—(a) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

—(b) Include the name, address and signature of the person designated pursuant to paragraph (a).

—3. ~~{Upon}~~ Except as otherwise provided in subsection 4, upon receipt of a ~~{written statement}~~ request submitted by a registered voter pursuant to subsection 1, the city clerk shall ~~{, if the statement includes the information required pursuant to subsection 2, issue}~~ :

(a) Issue an absent ballot to the registered voter for each *primary city election, general city election and special city election* that is conducted ~~{during the year immediately succeeding}~~ after the date the written statement is submitted to the city clerk.

~~{4. — A person designated pursuant to paragraph (a) of subsection 2 may,}~~

(b) *Inform the county clerk of receipt of the written statement. Upon receipt of the notice from the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election that is not a city election that is conducted after the date the county clerk receives notice from the city clerk.*

3. If, at the direction of the registered voter, a person {marks} :

(a) Marks and signs an absent ballot issued to a registered voter pursuant to the provisions of this section on behalf of {and at the direction of} the registered voter, {mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot,} the person {shall} must {indicate} :

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter ~~for~~

~~5.1~~ ; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A city clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; or

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 593.535 or 293.540.

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 17. NRS 293C.320 is hereby amended to read as follows:

293C.320 The city clerk shall determine before issuing an absent ballot that the person ~~[making application]~~ who requested the absent ballot is a registered voter in the proper city.

Sec. 18. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, if the request for an absent ballot is made by mail or ~~[facsimile machine]~~ approved electronic transmission, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot:

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

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use ~~[a facsimile machine]~~ approved electronic transmission to send an absent ballot and instructions to the voter. The voter may mail the absent ballot to the city clerk or submit the absent ballot by ~~[facsimile machine]~~ approved electronic transmission.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and chapter 293D of NRS.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by ~~[facsimile machine,]~~ approved electronic transmission, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, the registered voter's precinct or district, the number of the ballot and any remarks the city clerk finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 19. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.3165 or 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 20. NRS 293C.332 is hereby amended to read as follows:

293C.332 Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or ~~{facsimile}~~ approved electronic transmission must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the ~~{facsimile}~~ approved electronic transmission must be compared with that on the application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall indicate in the roster "Voted" by the name of the voter.

Sec. 21. NRS 293C.335 is hereby amended to read as follows:

293C.335 When all absent ballots delivered to the election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes and approved electronic transmissions containing rejected ballots must be returned to the city clerk. On all envelopes and approved electronic transmissions containing the rejected ballots the cause of rejection must be noted and the envelope or approved electronic transmission signed by a majority of the election board officers.

Sec. 22. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 4 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, ~~{subsection 1 of NRS 293C.312, NRS}~~ 293C.317 and 293C.318.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 23. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, pursuant to this section.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of chapter 293 or 293C of NRS [293.315] or voting in person.

~~[Sec. 4.]~~ Sec. 24. This act becomes effective on July 1, 2017.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 511 to Senate Bill No. 447 specifies that any registered voter may request and vote an absentee ballot for all elections held during the year. It extends the permanent absent-ballot request provisions to those who are 65 years of age and older. It defines sufficient written notice for all categories of absentee-ballot applications. It clarifies existing provisions for identifying a person who provides the assistance to a voter when completing the absentee ballot. Specifies that if a request for permanent absentee ballot becomes inactive or is removed from the voter rolls that the county clerk shall no longer mail that voter an absentee ballot and removes the antiquated language referring to facsimile machines and refers to an electronic transmission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 455.

SUMMARY—Authorizes a board of county commissioners to create a committee to review general improvement districts. (BDR 20-496)

AN ACT relating to general improvement districts; authorizing a board of county commissioners to create a committee to review ~~each~~ general improvement ~~district~~ districts in the county; establishing certain requirements for such a committee; requiring a general improvement district to submit certain requested information to such a committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the creation and administration of general improvement districts in this State. (Chapter 318 of NRS) Section 2 of this bill authorizes a board of county commissioners to create a committee to review the existing general improvement districts in the county to determine if the districts should be continued, modified, consolidated, merged or dissolved. Section 2 also provides that such a committee must consist of ~~five~~ (1) three members appointed by the board of county commissioners, including a member of the Senate who represents the county and a member of the Assembly who represents the county ~~and~~ ; and (2) two additional members, one appointed by the member of the Senate and one appointed by the member of the Assembly. Section 2 further establishes procedures and qualifications relating to the members of the committee other than the member of the Senate and member of the Assembly, including that: (1) the board of county commissioners must solicit and accept applications for such members of the committee; (2) the members will serve for 1 year, but may be reappointed; (3) the members must be a resident of the county; and (4) not more than one member of a committee may be a member of the same board of trustees of a general improvement district.

Section 3 of this bill requires such a committee to conduct public hearings on whether a general improvement district should be continued, modified,

consolidated, merged or dissolved and places the burden of proof on the general improvement district to establish that there is a public need for its continued existence. Section 3 also limits such a committee to reviewing not more than six general improvement districts in a county per year. Section 3 ~~also~~ further requires each committee to submit a report to the Legislative Commission each year regarding the activities and findings of the committee. Section 4 of this bill sets forth certain information that each general improvement district under review by a committee may be required to provide to the committee.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *A board of county commissioners may create a committee to review ~~each~~ existing general improvement ~~district~~ districts in the county to determine if ~~the~~ any district should be continued, modified, consolidated, merged or dissolved.*

2. *A committee created pursuant to subsection 1 must consist of five members, ~~appointed by the board of county commissioners,~~ which must include:*

(a) A member of the Senate who represents the county, who shall serve as the chair of the committee, ~~and~~ and must be appointed by the board of county commissioners;

(b) A member of the Assembly who represents the county, who shall serve as the vice chair of the committee, ~~and~~ and must be appointed by the board of county commissioners;

(c) ~~Three~~ One other ~~members chosen~~ member appointed by the board of county commissioners ~~and~~;

(d) One member appointed by the member of the Senate appointed to the committee pursuant to paragraph (a); and

(e) One member appointed by the member of the Assembly appointed to the committee pursuant to paragraph (b).

3. *If a board of county commissioners creates a committee pursuant to subsection 1, the board must solicit and accept applications for persons to apply for appointment pursuant to paragraphs (c), (d) and (e) of subsection 2. A person who is appointed to the committee pursuant to paragraph (c), (d) or (e) of subsection 2 serves on the committee for 1 year, but may submit an application to be reappointed.*

4. *To be eligible to serve on a committee as a member appointed pursuant to paragraph (c), (d) or (e) of subsection 2, a person must:*

(a) Submit an application to the board of county commissioners; and

(b) Be a resident of the county.

5. *Except as otherwise provided in this subsection, a resident of the county who is a member of the board of trustees of a general improvement district in the county may be appointed to the committee pursuant to paragraph (c), (d)*

or (e) of subsection 2. Not more than one member of a committee created pursuant to subsection 1 may be a member of the board of trustees of the same general improvement district.

6. A member of the committee is not entitled to be compensated or reimbursed for travel or other expenses relating to any duties as a member of the committee.

~~{4.}~~ 7. The membership of any member of the committee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

~~{5.}~~ 8. A vacancy on the committee must be filled in the same manner as the original appointment.

Sec. 3. 1. A committee created pursuant to section 2 of this act shall:

(a) Meet at the times and places specified by a call of the Chair;

(b) Conduct public hearings for the purpose of reviewing and obtaining comments on the need for the continuance, modification, consolidation, merger or dissolution of one or more general improvement districts in the county; ~~and~~

(c) Review not more than six general improvement districts in the county per year; and

(d) On or before July 1 of each year, submit a report to the Legislative Commission concerning the activities and findings of the committee during that year.

2. A general improvement district has the burden of proving that there is a public need for its continued existence.

3. If a general improvement district includes territory within two or more counties, a committee created by the board of county commissioners with the authority to supervise the district pursuant to NRS 318.050 has the authority to review that general improvement district pursuant to subsection 1.

Sec. 4. Each general improvement district subject to review by a committee created pursuant to section 2 of this act shall submit any information requested to the committee. The information requested by the committee may include, without limitation:

1. The name of the general improvement district;

2. The name of each member of the board of trustees of the general improvement district;

3. The address of the Internet website established and maintained by the general improvement district, if any;

4. A list of the staff of the general improvement district;

5. The governing structure of the general improvement district, including, without limitation, information concerning the method, terms, qualifications and conditions of appointment and removal of the members of the board trustees;

6. The operating budget of the general improvement district;

7. *A statement setting forth the incomes and expenses of the general improvement district for at least 3 years immediately preceding the date on which the district submits the information required by this section;*

8. *The most recent audit conducted of the general improvement district, if any;*

9. *The dates of the immediately preceding six meetings held by the board of trustees of the general improvement district; and*

10. *Any other information the committee may require.*

Sec. 5. 1. This act becomes effective on July 1, 2017.

2. This act expires by limitation on June 30, 2021.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 455 to Senate Bill No. 462 provides that a board of county commissioners must appoint one member each from the Assembly and the Senate who represents the county to the committee, and each of these Legislators is then authorized to appoint a member to the committee; establishes procedures and qualifications relating to the members of the committee other than the members of the Senate and Assembly, and limits the number of general improvement districts that may be reviewed by the committee each year to six.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 457.

SUMMARY—Revises provisions related to improvement districts. (BDR 25-495)

AN ACT relating to improvement districts; revising provisions governing the merger, consolidation or dissolution of certain general improvement districts; repealing the Nevada Improvement District Act; creating the Douglas County Lake Tahoe Sewer Authority and its governing Board of Trustees; setting forth the powers and duties of and procedures governing the Authority and the Board; abolishing Douglas County Sewer Improvement District No. 1; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 309 of NRS, the Nevada Improvement District Act, authorizes the creation and governs the management of a local improvement district for the construction of a power plant and the distribution of energy therefrom or the construction of a sewer system or the construction or acquisition of a water system. (Chapter 309 of NRS) In 1967, the Nevada Legislature eliminated the authority to create such a district. (NRS 309.025) The only local improvement district currently in existence which is organized pursuant to the Nevada Improvement District Act is Douglas County Sewer Improvement District No. 1. Section 36 of this bill repeals the Nevada Improvement District Act. Sections 1-5 and 7-11 of this bill make conforming changes. Section 35 of this

bill abolishes Douglas County Sewer Improvement District No. 1. Section 6 of this bill makes a conforming change.

Sections 12-34 of this bill establish the Douglas County Lake Tahoe Sewer Authority Act, which creates the Douglas County Lake Tahoe Sewer Authority for the purpose of furnishing certain residents of this State with an adequate system of sewage collection and treatment and disposal of wastewater. Section 23 of this bill exempts certain property of the Authority from state, county and municipal taxation. Section 24 of this bill authorizes the Authority to enter into certain interlocal cooperative agreements with general improvement districts, and authorizes a general improvement district which is party to such an agreement to authorize the Authority to exercise powers, privileges and authority belonging to the general improvement district. Section 25 of this bill provides that the Authority is a public employer, subject to certain provisions governing retirement for public employees.

Section 26 of this bill creates and provides for the appointment of a Board of Trustees which is charged with directing and governing the Authority. Section 27 of this bill requires each trustee on the Board to file an oath of office and a bond. Sections 28 and 29 of this bill set forth provisions governing the procedures and duties of the Board.

Sections 30 and 31 of this bill set forth the powers of the Authority and the Board. Section 32 of this bill requires the Board to adopt an ordinance governing the financing of the Authority. Section 33 of this bill exempts the Authority from regulation by the Public Utilities Commission of Nevada.

Section 34 of this bill directs the Douglas County Lake Tahoe Sewer Authority to assume the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1.

Under existing law, if a majority of the members of the board of county commissioners of a county deems it to be in the best interest of the county and of a general improvement district that was exercising three specified powers on October 1, 2005, related to sanitary sewer improvements, the collection and disposal of garbage or refuse and the supply, storage and distribution of water that the district be merged, consolidated or dissolved, the board of county commissioners is required to submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district does not agree to the merger, consolidation or dissolution within 90 days after the submission of the question to the board of trustees, existing law prohibits the merger, consolidation or dissolution of the district. (NRS 318.490) Section 3 of this bill requires the submission of the question of merger, consolidation or dissolution to the board of trustees of a district that has annual revenues of more than \$1,000,000 and was exercising any of those three specified powers on October 1, 2005.

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

Section 1. NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in title 25 of NRS, but excludes ~~the~~

~~—(a) All local improvement districts created pursuant to chapter 309 of NRS; and~~

~~—(b) All~~ all housing authorities.

Sec. 2. NRS 318.0954 is hereby amended to read as follows:

318.0954 1. The governing body of any district organized or reorganized under and operating as provided in any chapter in title 25 of NRS, excluding chapters ~~[309,]~~ 315 and 318 of NRS, must be designated a board of trustees and shall reorganize as provided in this section so that after the transitional period the board consists of five qualified electors from time to time chosen as provided in NRS 318.095 and other provisions of this chapter supplemental thereto.

2. No existing member of any such governing body may be required to resign from the board before the termination of his or her current term of office in the absence of any disqualification as a member of the governing body under such chapter in title 25 of NRS, excluding chapters ~~[309,]~~ 315 and 318 of NRS. If a regular term of office of any member of any such governing body would terminate on other than the first Monday of January next following a biennial election in the absence of the adoption of this law, the term must be extended to and terminate on the first Monday in January next following a biennial election and following the date on which the term would have ended.

3. If the members of any such governing body at any time number less than five, the number of trustees must be increased to five by appointment, or by both appointment and election, as provided in NRS 318.090, 318.095 and 318.0951.

4. In no event may any successor trustee be elected or appointed to fill any purported vacancy in any unexpired term or in any regular term which successor will increase the trustees on a board to a number exceeding five nor which will result in less than two regular terms of office or more than three regular terms of office ending on the first Monday in January next following any biennial election.

5. Nothing in this section:

(a) Prevents the reorganization of a board by division of the district into district trustee election districts pursuant to NRS 318.0952.

(b) Supersedes the provisions of NRS 318.0953 or 318.09533.

Sec. 3. NRS 318.490 is hereby amended to read as follows:

318.490 1. Except as otherwise provided in NRS 318.492, whenever a majority of the members of the board of county commissioners of any county deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution pursuant to subsection 3, agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, after there is first found, determined and recited in the ordinance that:

(a) All outstanding indebtedness and bonds of all kinds of the district have been paid or will be assumed by the resulting merged or consolidated unit of government.

(b) The services of the district are no longer needed or can be more effectively performed by an existing unit of government.

2. The county clerk shall thereupon certify a copy of the ordinance to the board of trustees of the district and shall mail written notice to all property owners within the district in the county, containing the following:

(a) The adoption of the ordinance;

(b) The determination of the board of county commissioners that the district should be dissolved, merged or consolidated; and

(c) The time and place for hearing on the dissolution, merger or consolidation.

3. If a majority of the members of the board of county commissioners of a county deems it to be in the best interests of the county and of a district with annual revenues of more than \$1,000,000 that was, on October 1, 2005, exercising powers pursuant to NRS 318.140, 318.142 ~~and~~ or 318.144, that the district be merged, consolidated or dissolved, the board of county commissioners shall submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district, by resolution, does not agree to the merger, consolidation or dissolution within 90 days after the question was submitted to it, the district may not be merged, consolidated or dissolved.

Sec. 4. NRS 318.525 is hereby amended to read as follows:

318.525 1. Chapter 542, Statutes of Nevada 1967, does not affect the corporate existence nor the area included within the boundaries of any district organized or reorganized before May 1, 1967, under any chapter in title 25 of NRS, but the governing body of any such district (excluding any ~~local improvement district organized or reorganized under the provisions of chapter 309 of NRS, any~~ housing authority or other municipal corporation subject to the provisions of chapter 315 of NRS, and excluding any district organized or reorganized before May 1, 1967, under and already subject to the provisions of this chapter 318 of NRS) shall reorganize as provided in this chapter as amended by chapter 542, Statutes of Nevada 1967.

2. Any district organized or reorganized before May 1, 1967, under and exercising powers as provided in any chapter in title 25 of NRS (excluding

chapters ~~[309,]~~ 315 and 318 of NRS) shall operate under and exercise powers pertaining to each basic power for which the district is organized or reorganized as provided in chapter 318 of NRS, including without limitation the provisions of the Special District Control Law to the extent it is applicable by the terms thereof.

Sec. 5. NRS 226.110 is hereby amended to read as follows:

226.110 The State Treasurer:

1. Shall receive and keep all money of the State which is not expressly required by law to be received and kept by some other person.

2. Shall receipt to the State Controller for all money received, from whatever source, at the time of receiving it.

3. Shall establish the policies to be followed in the investment of money of the State, subject to the periodic review and approval or disapproval of those policies by the State Board of Finance.

4. May employ any necessary investment and financial advisers to render advice and other services in connection with the investment of money of the State.

5. Shall disburse the public money upon warrants drawn upon the Treasury by the State Controller, and not otherwise. The warrants must be registered and paid in the order of their registry. The State Treasurer may use any sampling or postaudit technique, or both, which he or she considers reasonable to verify the proper distribution of warrants.

6. Shall keep a just, true and comprehensive account of all money received and disbursed.

7. Shall deliver in good order to his or her successor in office all money, records, books, papers and other things belonging to his or her office.

8. Shall fix, charge and collect reasonable fees for:

(a) Investing the money in any fund or account which is credited for interest earned on money deposited in it; and

(b) Special services rendered to other state agencies or to members of the public which increase the cost of operating his or her office.

9. Serves as the primary representative of the State in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

10. Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The State Treasurer:

(a) Shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.

(b) May, except as otherwise provided in NRS 538.206, employ necessary legal, financial or other professional services in connection with the authorization, sale or issuance of such an obligation.

11. May organize and facilitate statewide pooled financing programs, including lease purchases, for the benefit of the State and any political subdivision, including districts organized pursuant to NRS 450.550 to 450.750, inclusive, and chapters 244A, ~~309,~~ 318, 379, 474, 541, 543 and 555 of NRS.

12. Shall serve as the Administrator of Unclaimed Property.

Sec. 6. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than \$1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than \$1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➡ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the

agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each state agreeing with the vote of at least four members of the other state shall be required to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➡ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for

appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistrate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written

recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

→ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

↪ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

↪ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of

local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; landfills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that

the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined).....	252
2. Placer County	278
3. Carson City	-0-
4. Douglas County.....	339
5. Washoe County.....	739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were

authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined).....	64,324
2. Placer County.....	23,000
3. Carson City	-0-
4. Douglas County.....	57,354
5. Washoe County.....	50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County *Lake Tahoe Sewer* ~~[District # 1,]~~ *Authority*, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the ~~[district]~~ *Authority* shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the ~~[district]~~ *Authority* proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which

was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➡ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➔ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➡ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person

who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) In addition to the provisions of paragraph (5) relating to judicial inquiry:

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(8) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to

enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed \$5,000. Any such person is subject to an additional civil penalty not to exceed \$5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design

arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

- (A) The significant environmental impacts of the proposed project;
- (B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;
- (C) Alternatives to the proposed project;
- (D) Mitigation measures which must be implemented to assure meeting standards of the region;
- (E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;
- (F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and
- (G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➡ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion \$75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay \$18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay \$12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer who must be appointed by his respective board of supervisors;

(2) One member of the city council of the City of South Lake Tahoe who must be appointed by the city council;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County who must be appointed by his respective board of county commissioners;

(4) One member of the board of supervisors of Carson City who must be appointed by the board of supervisors;

(5) One member of the South Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(6) One member of the North Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(7) One member of each local transportation district in the region that is authorized by the State of Nevada or the State of California who must be appointed by his respective transportation district;

(8) One member appointed by a majority of the other voting directors who represents a public or private transportation system operating in the region;

(9) The director of the California Department of Transportation; and

(10) The director of the department of transportation of the State of Nevada.

↪ Any entity that appoints a member to the board of directors, the director of the California Department of Transportation or the director of the department of transportation of the State of Nevada may designate an alternate.

(c) Before a local transportation district appoints a member to the board of directors pursuant to paragraph (7) of subdivision (b), the local transportation district must enter into a written agreement with the Tahoe transportation district that sets forth the responsibilities of the districts for the establishment of policies and the management of financial matters, including, but not limited to, the distribution of revenue among the districts.

(d) The directors of the California Department of Transportation and the department of transportation of the State of Nevada, or their designated alternates, serve as nonvoting directors, but shall provide technical and professional advice to the district as necessary and appropriate.

(e) The vote of a majority of the directors must agree to take action. If a majority of votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(f) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures for financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.

(g) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Own and operate support facilities for public and private systems of transportation, including, but not limited to, parking lots, terminals, facilities for maintenance, devices for the collection of revenue and other related equipment.

(3) Acquire or agree to operate upon mutually agreeable terms any publicly or privately owned transportation system or facility within the region.

(4) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(5) Contract with private companies to provide supplementary transportation or provide any of the services needed in operating a system of transportation for the region.

(6) Contract with local governments in the region to operate transportation facilities or provide any of the services necessary to operate a system of transportation for the region.

(7) Fix the rates and charges for transportation services provided pursuant to this subdivision.

(8) Issue revenue bonds and other evidence of indebtedness and make other financial arrangements appropriate for developing and operating a public transportation system.

(9) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way, except for a sales and use tax. If a sales and use tax is approved by the voters as provided in this paragraph, it may be administered by the states of California and Nevada respectively in accordance with the laws that apply within their respective jurisdictions and must not exceed a rate of 1 percent of the gross receipts from the sale of tangible personal property sold in the district. The district is prohibited from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of the voters voting on the proposition who reside in the State of California in accordance with the laws that apply within that state and approval of the voters voting on the proposition who reside in the State of Nevada in accordance with the laws that apply within that state. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(10) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(h) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency

administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 7. NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, "local government" means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, ~~{309,}~~ 318, 379, 450, 474, 539, 541, 543 and 555 of NRS.

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.

Sec. 8. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, ~~309,~~ 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political

subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

- (a) Pay the prevailing wage required pursuant to this chapter;
- (b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
- (c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
- (d) Comply with subsection 5 or 6 of NRS 338.070.

14. "Prime contractor" means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and
- (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➡ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

- (a) Public buildings;
- (b) Jails and prisons;
- (c) Public roads;
- (d) Public highways;
- (e) Public streets and alleys;
- (f) Public utilities;
- (g) Publicly owned water mains and sewers;
- (h) Public parks and playgrounds;
- (i) Public convention facilities which are financed at least in part with public money; and
- (j) All other publicly owned works and property.

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

- (a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and
- (b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➡ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

- (a) A contractor and a subcontractor or supplier; or
- (b) A subcontractor and another subcontractor or supplier,

➡ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 9. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, ~~{309,}~~ 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive.

The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 10. NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

➡ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, ~~309,~~ 318, 379, 439, 450, 474, 539, 541, 543 and 555 of NRS.

Sec. 11. NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. "Center" means the State Publications Distribution Center created by NRS 378.170.

2. "Depository library" means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, ~~309,~~ 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which

prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

- (a) Nevada Revised Statutes with annotations;
- (b) Nevada Reports;
- (c) Bound volumes of the Statutes of Nevada;
- (d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution;
- (e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or
- (f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. "State agency" includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 12. This act may be cited as the Douglas County Lake Tahoe Sewer Authority Act.

Sec. 13. The Legislature hereby finds and declares that:

1. The provisions of section 22 of this act describe a region which is distinguished by the governance of the only local improvement district currently in existence which is organized under chapter 309 of NRS and the presence of Lake Tahoe, a water system which is governed by a unique combination of state and federal laws.

2. The unique conditions of the area described by section 22 of this act are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special act to enact changes to the management of sewage in that area.

3. Adequate and efficient sewage service is vital to the economic development and well-being of residents in the area described by section 22 of this act.

4. There are currently several different general improvement districts organized under chapter 318 of NRS that administer sewage collection services in the area described by section 22 of this act, which has caused problems in administering sewage services.

5. The well-being of the residents of the area described by section 22 of this act and the long-term economic development of the area described by section 22 of this act are best served by the creation of a single governmental entity, the purpose of which is to secure and develop sustainable sewage services.

Sec. 14. As used in this act, unless the context otherwise requires, the words and terms defined in sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 15. "Authority" means the Douglas County Lake Tahoe Sewer Authority created by section 23 of this act.

Sec. 16. "Board" means the Board of Trustees of the Douglas County Lake Tahoe Sewer Authority.

Sec. 17. "Douglas County" means the county created by and described in NRS 243.045.

Sec. 18. "Lake Tahoe Basin" has the meaning ascribed to it in NRS 538.600.

Sec. 19. "Project" means any structure, facility, undertaking or system which the Authority is authorized to acquire, construct, improve, equip, maintain or operate under the provisions of this act, including, without limitation, sewers, sewage disposal plants, sewage treatment plants and septic tanks and any other materials or construction connected therewith or with the handling or disposal of sewage. A project may consist of all kinds of personal and real property, including, without limitation, land, elements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

Sec. 20. "Service area" means the area described by section 22 of this act.

Sec. 21. "Wastewater Reclamation Facility" means the treatment facility located in Zephyr Cove, Nevada, that treats and disposes of sewage from the service area.

Sec. 22. 1. The service area in which plans for the management of sewage are to be made, pursuant to this act, is the entire area of the Lake Tahoe Basin within the boundaries of Douglas County, except that the Board may:

(a) Exclude from the service area any land which the Board determines is unsuitable for inclusion because of its inability to connect with the Wastewater Reclamation Facility; and

(b) Include in the service area any land otherwise excluded if the owners of the land agree to be governed by this act.

2. The Authority and the Board shall have jurisdiction over the treatment and disposal of sewage and wastewater in the service area.

Sec. 23. 1. The Douglas County Lake Tahoe Sewer Authority is hereby created. The Authority is a public body corporate and politic and a municipal corporation. The purpose of the Authority is to furnish the service area and its inhabitants with an adequate system of sewage collection and treatment and disposal of wastewater by acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, sewers, sewer systems, sewage treatment works, waste mains, tunnels, drains and every form of sewer and sewage treatment or disposal facility, to be devoted wholly or partially for public uses or for revenue producing purposes.

2. The property and revenues of the Authority, any interest of any creditor therein and any possessory interest in or right to use that property which the Authority may grant are exempt from all state, county and municipal taxation.

Sec. 24. By entering into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, public entities, including, without limitation, a general improvement district organized pursuant to chapter 318 of NRS, may jointly authorize the Authority to exercise such powers, privileges or authority that each of those entities may individually exercise pursuant to the laws of this State which are not inconsistent with the provisions of this act.

Sec. 25. The Authority is a public employer within the meaning of NRS 286.070 and the provisions of chapter 286 of NRS apply to the Authority and its employees.

Sec. 26. 1. The Authority must be directed and governed by a Board of Trustees consisting of the following five trustees appointed pursuant to this section:

(a) One member of the Board of Trustees of the Kingsbury General Improvement District;

(b) One member of the Board of Trustees of the Round Hill Improvement District;

(c) One member of the Board of Trustees of the Tahoe-Douglas District;

(d) One member of the Board of County Commissioners of Douglas County; and

(e) One person representing the business community within Stateline, Nevada, appointed by the other four trustees.

2. The Board of County Commissioners of Douglas County shall appoint a trustee from its membership for an initial term of 3 years.

3. The Boards of Trustees of the Kingsbury General Improvement District, the Round Hill Improvement District and the Tahoe-Douglas District shall each appoint a trustee from their respective memberships for an initial term of 2 years.

4. The representative of the business community within Stateline, Nevada, appointed by the other trustees pursuant to paragraph (e) of subsection 1 shall serve for an initial term of 1 year.

5. After the initial terms, each trustee who is appointed to the Board serves for a term of 3 years. A trustee may be reappointed.

6. If any position on the Board becomes vacant, including, without limitation, upon the trustee's loss of any of the qualifications required for his or her appointment, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 27. Each trustee on the Board shall file with the County Clerk of Douglas County:

1. His or her oath of office; and

2. A corporate surety bond furnished at the Authority's expense, in an amount not to exceed \$5,000, and conditioned for the faithful performance of his or her duties as a member of the Board.

Sec. 28. 1. The Board shall elect one of its members as Chair, one of its members as Secretary, and one of its members as Treasurer. The Secretary and Treasurer may be the same person. The terms of the officers expire on December 31 of each year. Trustees may serve consecutive terms in any of the three officer positions.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority.

Sec. 29. 1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. Except as otherwise provided in this section, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at the meeting.

Sec. 30. The Authority has perpetual succession. The Authority, acting pursuant to the Board's direction, may do all things necessary to accomplish the purposes of this act, including, without limitation:

1. Administer all activity and business related to the collection and treatment of sewage and wastewater in the service area and the transportation and disposal of sewage and wastewater both within and outside of the service area.

2. Fix, alter, charge and collect rates, rentals and other charges for the use of facilities controlled by the Authority, including, without limitation, the Wastewater Reclamation Facility, or for the services rendered by the Authority or projects thereof, at reasonable rates, to be determined by the Authority, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, and to make such rates, rentals and other charges a lien upon the property using such facilities, and provide for a method of enforcing collection of such rates, rentals and other charges.

3. ~~Assess, levy and collect taxes and special assessments for the purpose of providing for the payment of the expenses of the Authority, the construction,~~

~~improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, and to make such taxes and special assessments a lien upon the property using such facilities, and provide for a method of enforcing the collection of such taxes and special assessments.~~

~~4.]~~ Borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the Authority, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security of said bonds and the rights of the holders thereof.

~~5.]~~ 4. To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, within or without the boundaries of the service area, necessary or desirable for carrying out the purposes of the Authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein, at any time acquired by it.

~~6.]~~ 5. Acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair and operate projects within or without the service area.

~~7.]~~ 6. Pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of its obligations.

~~8.]~~ 7. Contract with public entities, including, without limitation, a general improvement district organized under chapter 318 of NRS, for the provision of services by the Authority and, in the performance of its functions, use the officers, agents, employees, services, facilities, records and equipment of Douglas County or any public governing body therein, with the consent of the respective public entity and subject to such terms and conditions as may be agreed upon.

~~9.]~~ 8. Install and maintain sewer and effluent pipelines, together with all related or necessary improvements along, under or upon public highways, roads, streets and alleys, and to build and erect sewage treatment or disposal facilities and improvements, either within or without the service area, and to compel all property owners within the service area to connect their sewer systems with such system or sewers of the Authority.

~~10.]~~ 9. Acquire by eminent domain proceedings, either the fee or such right, title, interest or easement in such lands and premises, ~~both~~ within ~~and without~~ the service area, as the Authority may deem necessary for any of the purposes mentioned in this act. The right of eminent domain must be exercised by the Authority in the manner provided by law for the exercise of such right, except insofar as such law may be inconsistent with the provisions of this act.

~~11.]~~ 10. Make bylaws for the management and regulation of its affairs.

~~12.]~~ 11. Employ or contract with such persons as it deems necessary and hire and retain officers, agents and employees, including, without limitation,

fiscal advisors, engineers, attorneys or other professional or specialized personnel.

~~[13.]~~ 12. Seek, apply for and otherwise solicit and receive from any source, public or private, such contributions, gifts, grants, devises and bequests of money and personnel property, or any combination thereof, as the Authority determines is necessary or convenient for the exercise of any of its powers.

~~[14.]~~ 13. Participate with relevant agencies of the United States, the State of Nevada and other entities on issues concerning the disposal of wastewater and sewage.

~~[15.]~~ 14. Make and enforce all necessary and proper regulations for the collection of sewage, and to make all other sanitary regulations in connection therewith.

~~[16.]~~ 15. Sue and be sued, implead and be impleaded, complain and defend in all courts.

~~[17.]~~ 16. Adopt, use and alter at will a corporate seal.

~~[18.]~~ 17. Perform such other functions conferred on the Authority by the provisions of this act.

Sec. 31. The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this act.

Sec. 32. The Board shall adopt an ordinance relative to the financing of the Authority, which ordinance shall in itself use the method of financing best suited to the financial condition and welfare of the service area. In this connection, such ordinance may use any of the following methods of financing, or any combination thereof:

1. Current revenue, reserves, state funds or federal funds which may be available and which may by law be used for furthering the purposes of this act.

2. Issuing bonds as provided in NRS 318.320.

3. Borrowing funds from the State or Federal Government, when such funds are available, for carrying out the purposes of this act.

Sec. 33. The Authority is exempt from regulation by the Public Utilities Commission of Nevada.

Sec. 34. The Authority shall assume the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1, which was organized pursuant to chapter 309 of NRS in 1953 and was abolished on July 1, 2017.

Sec. 35. Douglas County Sewer Improvement District No. 1, which was established under chapter 309 of NRS in 1953, is hereby abolished.

Sec. 36. NRS 309.010, 309.020, 309.025, 309.030, 309.040, 309.050, 309.060, 309.065, 309.070, 309.080, 309.090, 309.100, 309.110, 309.120, 309.130, 309.135, 309.140, 309.145, 309.160, 309.170, 309.180, 309.190, 309.200, 309.210, 309.220, 309.230, 309.240, 309.250, 309.260, 309.270, 309.280, 309.290, 309.300, 309.310, 309.320, 309.330, 309.331, 309.332, 309.333, 309.334, 309.335, 309.336, 309.337, 309.338, 309.339, 309.3395,

309.340, 309.350, 309.360, 309.370, 309.380, 309.383, 309.385, 309.390, 309.400, 309.410, 309.415, 309.425, 309.435, 309.445, 309.455, 309.465, 309.475, 309.490, 309.500, 309.510, 309.520, 309.530 and 309.540 are hereby repealed.

Sec. 37. This act becomes effective ~~on July 1~~ :

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017 ~~to~~, for all other purposes.

LEADLINES OF REPEALED SECTIONS

309.010 Short title.

309.020 "Publication" defined.

309.025 Districts not to be organized after May 1, 1967.

309.030 Requirements for proposal to organize district; number of divisions and directors.

309.040 Petition for organization of district: Contents; bond; notice.

309.050 Hearing on petition; contiguous lands may be included; order denying or granting petition; submission of question to qualified electors.

309.060 County commissioners to canvass votes; order declaring organization of district and election of directors.

309.065 Extension of additional purposes to districts created pursuant to prior law; procedure; change of name of district.

309.070 Regular elections: Office of director; notice.

309.080 Election unnecessary when no nominations made.

309.090 Voters' affidavit.

309.100 Oaths and bonds of elected directors.

309.110 Persons entitled to vote at elections.

309.120 Officers; regular and special meetings; quorum; public records; organization of board; vacancies.

309.130 General powers of board of directors.

309.135 Determination by board that emergency exists to hold special election; action to challenge determination.

309.140 Compensation and expenses of directors and officers.

309.145 Directors and other officers not to be interested in contracts or profits; penalties.

309.160 Power to incur debts and liabilities: Limitations and exceptions.

309.170 Formulation of general plan of operations; election to authorize expense.

309.180 Form, style and contents of bonds; completion of plan when money from bonds insufficient; prior liens.

309.190 Apportionment of costs and assessments according to benefits.

309.200 Meeting to review apportionment of benefits: Notice and hearing; proceedings after objection to apportionment.

309.210 Confirmation of proceedings by district court: Petition; publication of notice; pleadings.

309.220 Examination of proceedings by district court; allowance and apportionment of costs; motions for new trial; appeal.

309.230 Sale of bonds: Notice and sale; bonds may be used in payment of construction costs; assessments in lieu of bonds.

309.240 Payment of bonds and interest.

309.250 Creation of funds; transfers; duties of district treasurer.

309.260 Payment of interest from debt service fund; redemption of bonds not due from debt service fund.

309.270 County commissioners to have access to books, records and vouchers of district.

309.280 Secretary to be district assessor; duties.

309.290 Board meeting to correct assessments; notice.

309.300 Annual levy; tax for replacement of deficits; county commissioners to act when board fails to levy assessment; duties of certain officers.

309.310 When assessments become liens; preferred liens.

309.320 Assessment books; entry of assessments on tax rolls; collection of assessments; duties of county officers.

309.330 Election to authorize special assessment: Notice; duties of board if assessment authorized; proposition for yearly tax levy.

309.331 District's power to borrow money as general or special obligation of district.

309.332 Types of securities authorized: Form and terms of general obligation bonds; limitation on redemption premium.

309.333 Submission of proposition of issuing general obligation bonds to electors; contents of resolution.

309.334 Notice of election: Form; publication.

309.335 Canvass of election returns; declaration of results.

309.336 Authorization for issuance and sale of general obligation bonds after election.

309.337 Applicability of Local Government Securities Law.

309.338 General obligation bonds payable from ad valorem taxes; additional security.

309.339 Contracts with United States and all private and public entities.

309.3395 Alternative authority for issuing general obligation bonds or securities payable from general ad valorem taxes.

309.340 Bids: Publication of notice; acceptance; exceptions in emergencies; performance and payment bonds of successful bidder.

309.350 When work may be performed without bid.

309.360 Payment of costs of acquisition from construction fund or proceeds of general obligation bonds; rates, tolls and charges for operation and maintenance; levy and collection of ad valorem taxes.

309.370 Power of board to construct works across watercourses, railways and highways.

309.380 Right-of-way granted over state lands.

309.383 Powers of district concerning location and construction of improvements subordinate to powers of Nevada Tahoe Regional Planning Agency.

309.385 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

309.390 Board may sell or lease improvements; ratification by electors.

309.400 Eminent domain powers of districts; power to purchase; payment of judgment awards within 6 months.

309.410 Vested interests used in connection with mining and power development not affected.

309.415 Exercise of powers primarily relating to fulfillment of water purposes or sewer purposes not subject to regulation or supervision of Public Utilities Commission of Nevada.

309.425 Territory which may be annexed to district.

309.435 Procedure.

309.445 Petition for annexation: Contents; signatures.

309.455 Publication of petition for annexation and notice of hearing.

309.465 Hearing; modification of boundaries.

309.475 Resolution: Adoption; copies to be filed with county clerk and county recorder.

309.490 Authority.

309.500 County ordinance; notice.

309.510 Protests; adoption of final ordinance.

309.520 Hearing.

309.530 Filing of copies of ordinance.

309.540 Surrender and transfer of property and money; collection and disposition of taxes and special assessments.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 457 to Senate Bill No. 471 further narrows the scope of the provisions of the bill that relate to the question of merger, consolidation or dissolution of a general improvement district to a district that has annual revenues of more than \$1 million.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cancela moved that Senate Bill No. 323 be taken from the Secretary's desk and placed on the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 459.

SUMMARY—Makes various changes relating to the Public Employees' Benefits Program and the Public Employees' Deferred Compensation Program. (BDR 18-979)

AN ACT relating to public employees; making the ~~Public Employees' Benefits Program and the~~ Public Employees' Deferred Compensation Program part of the Department of Administration; revising the membership of the Board of the Public Employees' Benefits Program and ~~making the Board and the Committee to administer~~ the Committee to Administer the Public Employees' Deferred Compensation Program ~~into advisory boards; transferring certain powers, duties and functions of the Board and Committee to the Executive Officers of the Programs;~~ revising provisions relating to the procurement process for the Public Employees' Benefits Program and the Public Employees' Deferred Compensation Program; making various other changes relating to the Public Employees' Benefits Program ~~and~~ and the Public Employees' Deferred Compensation Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of the Public Employees' Benefits Program. (NRS 287.041) Existing law requires the Board to establish and carry out the Public Employees' Benefits Program, which: (1) is required to include a program relating to group life, accident or health insurance, or any combination thereof, for the benefit of state officers and employees and other participants; and (2) is authorized to include certain other plans and programs for the benefit of such persons. (NRS 287.043) Existing law additionally requires the Board to employ an Executive Officer and authorizes the Board to delegate any of its powers, duties or functions to the Executive Officer. (NRS 287.0424) Existing law also establishes the Public Employees' Deferred Compensation Program for state employees, which is administered by ~~the~~ the Committee ~~to administer the Program.~~ (NRS 287.325)

Sections 1-4 of this bill make the ~~Public Employees' Benefits Program and the~~ Public Employees' Deferred Compensation Program part of the Department of Administration. Sections 2 and 3 of this bill require the Director of the Department of Administration to appoint, with the concurrence of the Governor ~~and the Committee to Administer the Public Employees' Deferred Compensation Program,~~ the Executive Officer of the ~~Public Employees' Benefits Program and the Executive Officer of the~~ Public Employees' Deferred Compensation Program and provides that the Executive ~~Officers are~~ Officer is in the unclassified service of the state and ~~serve~~ serves at the pleasure of the Director ~~. Sections 18 and 20 of this bill eliminate certain requirements in existing law relating to the Executive Officer and staff of the Public Employees' Benefits Program.~~, except that he or she may be removed by a majority vote of the Committee. Section 11 of this bill authorizes the Executive Officer of the Public Employees' Deferred Compensation Program to hire or contract with employees and consultants as necessary. Section 44 of this bill authorizes the Committee to delegate certain administrative duties for

the Public Employees' Deferred Compensation Program to the Executive Officer.

~~[Sections 5, 7, 12, 37, 48 and 49 of this bill make the Board of the Public Employees' Benefits Program advisory and transfer the powers, duties and functions of the Board relating to the administration of the Program to the Executive Director of the Program.]~~ Section 15 of this bill ~~[reduces the size of the Board from ten members to seven,]~~ changes the composition of the Board of the Public Employees' Benefits Program and removes the requirement that the Governor provide certain notice upon removing an appointed member of the Board. ~~[Section 16 of this bill requires the Advisory Board to advise the Executive Officer of the Public Employees' Benefits Program concerning the administration of the Program. Similarly, sections 38-46 of this bill make the Committee to administer the Public Employees' Deferred Compensation Program advisory and transfer the powers, duties and functions of the Committee relating to the administration of the Program to the Executive Officer of the Program. Section 44 of this bill requires the Committee to advise the Executive Officer of the Deferred Compensation Program concerning the administration of the Program.]~~ Section 43 of this bill changes the composition of the Committee to Administer the Public Employees' Deferred Compensation Program.

Existing law contains special provisions relating to the award of certain state contracts for the Public Employees' Benefits Program, pursuant to which the Board for the Program considers recommendations for the award of such a contract but has final authority to make the award. (NRS 287.04345, 333.335) ~~[Sections]~~ Section 47 ~~[and 55]~~ of this bill ~~[eliminate]~~ eliminates those provisions, with the result that such contracts are to be awarded in the same manner as provided generally for all agencies in the Executive Department of the State Government. Sections 11.5 and 24.5 of this bill provide that the Public Employees' Deferred Compensation Program and the Public Employees' Benefits Program are subject to existing law governing state procurement and authorizes the Board or Committee, as applicable, to review any evaluation of proposals for a contract in a closed meeting. Sections 11.5 and 24.5 also provide that, if members of the Board or Committee, as applicable, are appointed to a committee to evaluate proposed contracts for their respective Programs, the meeting of such an evaluation committee is exempt from the Open Meeting Law to the extent of the review of the proposals. Sections 11.5 and 24.5 prohibit the members of the Board and members of the Committee from taking action or deliberating on the business of their respective public body during a meeting of such an evaluation committee.

Section 20 of this bill requires the Director of the Department of Administration to appoint a Quality Control Officer of the Public Employees' Benefits Program.

Section 55 ~~[also]~~ of this bill eliminates the requirement that the Executive Officer and the Board of the Public Employees' Benefits Program complete

certain continuing education requirements relating to the administration of group benefits for public employees. ~~[Section 30 of this bill eliminates a restriction on affiliation periods in certain circumstances.]~~

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

Section 1. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following:

(a) Risk Management Division.
(b) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

(c) State Public Works Division.

(d) Purchasing Division.

(e) Administrative Services Division.

(f) Division of Human Resource Management.

(g) Division of Enterprise Information Technology Services.

(h) Division of State Library, Archives and Public Records.

(i) Office of Grant Procurement, Coordination and Management.

(j) Fleet Services Division.

~~(k) *Public Employees' Benefits Program.*~~

~~(l) *Public Employees' Deferred Compensation Program.*~~

Sec. 2. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint an Administrator of the:

(a) Risk Management Division;

(b) State Public Works Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) Division of Human Resource Management;

(f) Division of Enterprise Information Technology Services;

(g) Division of State Library, Archives and Public Records;

(h) Office of Grant Procurement, Coordination and Management; and

(i) Fleet Services Division.

2. Shall, with the concurrence of the Governor ~~and~~ and the Committee to Administer the Public Employees' Deferred Compensation Program, appoint the Executive Officer of the ~~the~~

~~(a) *Public Employees' Benefits Program; and*~~

~~(b) *Public Employees' Deferred Compensation Program.*~~

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

~~{3.}~~ 4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 233F, 242 ~~and~~ and 284 ~~of~~ of NRS, ~~[NRS 287.0402 to 287.049, inclusive, and section 9 of this act.]~~ NRS 287.250

to 287.370, inclusive, and sections 10 ~~and~~, 11 and 11.5 of this act and chapters 331, 333, 336, 338, 341 and 378 of NRS and all other provisions of law relating to the functions of the divisions of the Department.

~~{4.}~~ 5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

~~{5.}~~ 6. Has such other powers and duties as are provided by law.

Sec. 3. NRS 232.2165 is hereby amended to read as follows:

232.2165 ~~{The following persons appointed by the Director pursuant to NRS 232.215 serve at the pleasure of the Director and are in the unclassified service of the State:}~~

1. The Administrator of:

~~{1.}~~ (a) The State Public Works Division;

~~{2.}~~ (b) The Purchasing Division;

~~{3.}~~ (c) The Administrative Services Division;

~~{4.}~~ (d) The Division of Human Resource Management;

~~{5.}~~ (e) The Division of Enterprise Information Technology Services;

~~{6.}~~ (f) The Division of State Library, Archives and Public Records;

~~{7.}~~ (g) The Office of Grant Procurement, Coordination and Management;

and

~~{8.}~~ (h) The Fleet Services Division.

↪ of the Department serves at the pleasure of the Director and is in the unclassified service of the State. ~~{; and~~

~~—(i) The Risk Management Division.~~

2. The Executive Officer of the ~~{;}~~

~~—(a) Public Employees' Benefits Program; and~~

~~—(b) Public Employees' Deferred Compensation Program ~~{;}~~ appointed pursuant to NRS 232.215 is in the unclassified service of the State and serves at the pleasure of the Director, except that he or she may be removed by a majority vote of the Committee to Administer the Public Employees' Deferred Compensation Program.~~

Sec. 4. NRS 232.219 is hereby amended to read as follows:

232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.

2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:

(a) State Public Works Division;

(b) Purchasing Division;

(c) Hearings Division;

(d) Risk Management Division;

(e) Division of Human Resource Management;

(f) Division of Enterprise Information Technology Services;

(g) Division of State Library, Archives and Public Records; ~~{and}~~

(h) Fleet Services Division ~~{;}~~ ; and

- ~~(i) *Public Employees' Benefits Program; and*~~
~~(j) *Public Employees' Deferred Compensation Program.*~~

3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.

4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.

Sec. 5. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

- ~~(a) The Governor;~~
 - ~~(b) Except as otherwise provided in NRS 209.221, the Department of Corrections;~~
 - ~~(c) The Nevada System of Higher Education;~~
 - ~~(d) The Office of the Military;~~
 - ~~(e) The Nevada Gaming Control Board;~~
 - ~~(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission;~~
 - ~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services;~~
 - ~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services;~~
 - ~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS;~~
 - ~~(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer;~~
 - ~~(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375;~~
 - ~~(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260;~~
 - ~~(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310;~~
 - ~~(n) The Silver State Health Insurance Exchange;~~
- ~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the [Board] Executive Officer of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~
- ~~3. The special provisions of:~~
- ~~(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~
 - ~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~—(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~

~~—(d) NRS 90.800 for the use of summary orders in contested cases, ~~may~~ prevail over the general provisions of this chapter.~~

~~—4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~—5. The provisions of this chapter do not apply to:~~

~~—(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~—(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~—(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694; or~~

~~—(d) The judicial review of decisions of the Public Utilities Commission of Nevada.~~

~~—6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case. (Deleted by amendment.)~~

Sec. 6. ~~[NRS 218E.420 is hereby amended to read as follows:~~

~~218E.420 1. There is hereby created an Interim Retirement and Benefits Committee of the Legislature to:~~

~~—(a) Review the operation of the Public Employees' Retirement System, the Judicial Retirement System established pursuant to chapter 1A of NRS and the Public Employees' Benefits Program; and~~

~~—(b) Make recommendations to the Public Employees' Retirement Board and the [Board] Executive Officer of the Public Employees' Benefits Program, the Legislative Commission and the Legislature.~~

~~—2. The Interim Retirement and Benefits Committee consists of six members appointed as follows:~~

~~—(a) Three members of the Senate, one of whom is the Chair of the Committee on Finance during the preceding regular session and two of whom are appointed by the Majority Leader of the Senate.~~

~~—(b) Three members of the Assembly, one of whom is the Chair of the Committee on Ways and Means during the preceding regular session and two of whom are appointed by the Speaker of the Assembly.~~

~~—3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~4. The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Retirement and Benefits Committee for the period ending with the convening of each odd-numbered regular session. The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Retirement and Benefits Committee during the next legislative interim, and the position of Chair alternates between the Houses according to this pattern.~~

~~5. The Interim Retirement and Benefits Committee may exercise the powers conferred on it by law only when the Legislature is not in a regular or special session and shall meet at the call of the Chair.~~

~~6. The Interim Retirement and Benefits Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

~~7. The Director shall provide a Secretary for the Interim Retirement and Benefits Committee.~~

~~8. For each day or portion of a day during which members of the Interim Retirement and Benefits Committee attend a meeting of the Interim Retirement and Benefits Committee or are otherwise engaged in the business of the Interim Retirement and Benefits Committee, the members are entitled to receive:~~

~~(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) The per diem allowance provided for state officers and employees generally; and~~

~~(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~9. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.] (Deleted by amendment.)~~

Sec. 6.5. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629, 286.150, 287.0415, 287.04345, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518,

642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~and~~ and section 11.5 of this act, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 7. ~~NRS 277.067 is hereby amended to read as follows:~~

~~277.067 1. Except as otherwise provided in subsection 2, any two or more political subdivisions of this State, agencies of the State or the Nevada System of Higher Education may enter into a cooperative agreement for the purchase of insurance or the establishment of a self insurance reserve or fund for coverage under a plan of:~~

~~(a) Casualty insurance, as that term is defined in NRS 681A.020;~~

~~(b) Marine and transportation insurance, as that term is defined in NRS 681A.050;~~

~~(c) Property insurance, as that term is defined in NRS 681A.060;~~

~~(d) Surety insurance, as that term is defined in NRS 681A.070;~~

~~(e) Health insurance, as that term is defined in NRS 681A.030; or~~

~~(f) Insurance for any combination of these kinds of protection.~~

~~2. Any political subdivision of the State, any agency of the State or the Nevada System of Higher Education which participates in the Public Employees' Benefits Program shall obtain the approval of the [Board] Executive Officer of the Public Employees' Benefits Program before it enters into a cooperative agreement for the purchase of health insurance pursuant to paragraph (c) of subsection 1.~~

~~3. Any such agreement may obligate the respective parties to pledge revenues or contribute money to secure the obligations or pay the expenses of the cooperative undertaking and may provide for the establishment of a separate entity to administer the undertaking.] (Deleted by amendment.)~~

Sec. 8. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~9,~~ 10, ~~and~~ 11 and 11.5 of this act.

Sec. 9. ~~["Executive Officer" means the Executive Officer of the Public Employees' Benefits Program appointed by the Director of the Department of Administration pursuant to NRS 232.215.] (Deleted by amendment.)~~

Sec. 10. "Executive Officer" means the Executive Officer of the Public Employees' Deferred Compensation Program appointed by the Director of the Department of Administration pursuant to NRS 232.215.

Sec. 11. The Executive Officer may, within the limits of money available for this purpose, employ or enter into a contract for the services of such

employees or consultants as is necessary for the performance of the duties of the Executive Officer.

Sec. 11.5. 1. The Program is subject to the provisions of chapter 333 of NRS.

2. The Committee shall act as the chief of the using agency for the purposes of NRS 333.335.

3. If a committee to evaluate proposals for a contract of the Program is established pursuant to NRS 333.335, any number of members of the Committee may be appointed to the evaluation committee. If one or more members of the Committee are appointed to an evaluation committee:

(a) No action or deliberation regarding any business of the Committee other than the confidential review of the proposals pursuant to NRS 333.335 may be taken or conducted by the evaluation committee.

(b) Except as otherwise provided in paragraph (a), a meeting of the evaluation committee is not subject to chapter 241 of NRS.

4. The Committee shall review the results of any evaluation of proposals for a contract for the Program pursuant to NRS 333.335 in a closed meeting.

5. The Committee shall take the following actions pursuant to NRS 333.335 only in an open meeting:

(a) Award the contract pursuant to NRS 333.335;

(b) Cancel a request for proposals; or

(c) Reissue a modified request for proposals.

Sec. 12. ~~[NRS 287.025 is hereby amended to read as follows:~~

~~287.025 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may, in addition to the other powers granted in NRS 287.010, 287.015 and 287.020:~~

~~(a) Negotiate and contract with the [Board] Executive Officer of the Public Employees' Benefits Program to secure exclusive group insurance for all of its officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043, by participation in the Public Employees' Benefits Program.~~

~~(b) Negotiate and contract with another county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada to secure group insurance for its officers and employees and their dependents by participation in any group insurance plan established or to be established by the other local governmental agency.~~

~~(c) To secure group health, life or workers' compensation insurance for its officers and employees and their dependents, participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this State to secure such insurance for its members from an insurer licensed pursuant to the provisions of title 57 of NRS.~~

~~(d) In addition to the provisions of paragraph (c), participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this State to:~~

~~(1) Facilitate contractual arrangements for the provision of medical services to its members' officers and employees and their dependents and for related administrative services.~~

~~(2) Procure health related information and disseminate that information to its members' officers and employees and their dependents.~~

~~2. Each contract negotiated pursuant to paragraph (a) or (b) of subsection 1:~~

~~(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.~~

~~(b) Does not become effective unless approved by the Commissioner of Insurance.~~

~~(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission. (Deleted by amendment.)~~

Sec. 13. ~~[NRS 287.0402 is hereby amended to read as follows:~~

~~287.0402 As used in NRS 287.0402 to 287.049, inclusive, and section 9 of this act, unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, and section 9 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 287.0404 is hereby amended to read as follows:~~

~~287.0404 ["] "Advisory Board" means the Advisory Board of the Public Employees' Benefits Program created by NRS 287.041.] (Deleted by amendment.)~~

Sec. 15. NRS 287.041 is hereby amended to read as follows:

287.041 1. There is hereby created the ~~Advisory~~ Board of the Public Employees' Benefits Program. The ~~Advisory~~ Board consists of 10 ~~seven~~ members appointed as follows:

(a) ~~One member~~ Two members who ~~is a~~ are professional ~~employee~~ employees of the Nevada System of Higher Education, appointed by the Governor upon consideration of any recommendations of organizations that represent employees of the Nevada System of Higher Education. *One such member must reside in northern Nevada and the other member must reside in southern Nevada.*

(b) Two members ~~One member~~ who are ~~is~~ retired from public employment, appointed by the Governor upon consideration of any recommendations of organizations that represent retired public employees.

(c) Two members ~~One member~~ who are employees ~~is an employee~~ in the classified service of the State, appointed by the Governor upon consideration of any recommendations of organizations that represent state employees.

(d) ~~One member appointed by the Governor upon consideration of any recommendations of organizations that represent employees of local governments that participate in the program.~~

~~—(e)}~~ One member who is employed by this State in a managerial capacity and has substantial and demonstrated experience in risk management, ~~[portfolio investment strategies]~~ group insurance programs, health care administration or employee benefits programs appointed by the Governor. ~~[The Governor may appoint the Executive Officer of the Public Employees' Retirement System to fill this position.]~~

~~{{f}}~~ (e) Two members

~~{{e} One member}~~ who have ~~[has]~~ substantial and demonstrated experience in risk management, ~~[portfolio investment strategies]~~ group insurance programs, health care administration or employee benefits programs appointed by the Governor.

~~{{g}}~~ (f) The Director of the [Office] Department of [Finance] Administration or [the] a designee of the Director [is] approved by the Governor.

2. Of the ~~[seven-five]~~ nine persons appointed to the ~~[Advisory]~~ Board pursuant to paragraphs (a) to ~~(e), {{d}},~~ inclusive, of subsection 1, at least ~~[one member]~~ four members must have ~~[an advanced]~~ a bachelor's degree or a more advanced degree, or equivalent professional experience, in business administration, economics, medicine, accounting, actuarial science, insurance, risk management or health care administration, and at least two members must have education or proven experience in the management of employees' benefits, insurance, risk management, health care administration or business administration.

3. Each person appointed as a member of the ~~[Advisory]~~ Board must:

(a) Except for a ~~[the]~~ member appointed pursuant to paragraph ~~{{f}}~~ (e) of subsection 1, have been a participant in the Program for at least 1 year before the person's appointment;

(b) Except for a ~~[the]~~ member appointed pursuant to paragraph ~~{{f}}~~ (e) of subsection 1, be a current employee of the State of Nevada or another public employer that participates in the Program or a retired public employee who is a participant in the Program;

(c) Not be an elected officer of the State of Nevada or any of its political subdivisions; and

(d) Not participate in any business enterprise or investment:

(1) With any vendor or provider to the Program; or

(2) In real or personal property if the Program owns or has a direct financial interest in that enterprise or property.

4. Except as otherwise provided in this subsection, after the initial terms, the term of an appointed member of the ~~[Advisory]~~ Board is 4 years and until the member's successor is appointed and takes office unless the member no longer possesses the qualifications for appointment set forth in this section or is removed by the Governor. If a member loses the requisite qualifications within the last 12 months of the member's term, the member may serve the remainder of the member's term. Members are eligible for reappointment. A

vacancy occurring in the membership of the ~~[Advisory]~~ Board must be filled in the same manner as the original appointment.

5. The appointed members of the ~~[Advisory]~~ Board serve at the pleasure of the Governor. ~~[If the Governor wishes to remove a member from the Board for any reason other than malfeasance or misdemeanor, the Governor shall provide the member with written notice which states the reason for and the effective date of the removal.]~~

Sec. 16. ~~[NRS 287.0415 is hereby amended to read as follows:~~
~~287.0415 1. A majority of the members of the Advisory Board constitutes a quorum for the transaction of business.~~

~~2. The Governor shall designate one of the members of the Advisory Board to serve as the Chair.~~

~~3. The Advisory Board shall meet at least once every calendar quarter and at other times upon the call of the Chair.~~

~~4. The Advisory Board may meet in closed session:~~

~~(a) [To discuss matters relating to personnel;~~

~~(b)] With the Executive Officer and investment counsel to [plan] advise on future investments or establish investment objectives and policies;~~

~~[(c)] (b) With the Executive Officer and legal counsel to receive advice upon claims or suits by or against the Program;~~

~~[(d) To prepare]~~

~~(e) With the Executive Officer to discuss a request for a proposal or other solicitation for bids to be released by the [Board] Executive Officer for competitive bidding; or~~

~~[(e)] (d) As otherwise provided pursuant to chapter 241 of NRS.~~

~~5. Except as otherwise provided in this subsection, if the Advisory Board causes a meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS, the Advisory Board shall post a transcript of the meeting on its Internet website not later than 30 days after the meeting. The Advisory Board shall post a transcript of a closed session of the Advisory Board on its Internet website when the Advisory Board determines that the matters discussed no longer require confidentiality. [and, if applicable, the person whose character, conduct, competence or health was discussed in the closed session has consented to the posting.]~~

~~6. The Advisory Board may appoint such advisory committees as it deems necessary to assist the Advisory Board in carrying out its duties pursuant to NRS 287.0402 to 287.049, inclusive [.] , and section 9 of this act.~~

~~7. The Advisory Board shall advise the Executive Officer concerning the administration of the Program, including, without limitation, the adoption and implementation of policies concerning the Program.~~

~~8. As used in this section, "request for a proposal" has the meaning ascribed to it in subsection 8 of NRS 333.020.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 287.0422 is hereby amended to read as follows:~~

~~287.0422 The [Board] Executive Officer may reimburse a witness whom the Executive Officer or Advisory Board requests appear before [it] the Executive Officer or Advisory Board and who has expertise in a field that is relevant to the Program for any expenses relating to the testimony of the witness that the Executive Officer or Advisory Board deems reasonable.]~~
(Deleted by amendment.)

Sec. 18. ~~[NRS 287.0424 is hereby amended to read as follows:~~

~~287.0424 [1. The Board shall employ an Executive Officer, subject to the approval of the Governor. The Executive Officer is in the unclassified service of the State and serves at the pleasure of the Board. The Board may delegate to the Executive Officer the exercise or discharge of any power, duty or function vested in or imposed upon the Board.~~

~~2. The Executive Officer must:~~

~~(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or an equivalent degree, as determined by the Board; and~~

~~(b) Possess at least 5 years' experience in a high-level administrative or executive capacity in the field of insurance, management of employees' benefits or risk management, including, without limitation, responsibility for a variety of administrative functions such as personnel, accounting, data processing or the structuring of insurance programs.~~

~~3.] Except as otherwise provided in NRS 284.143, the Executive Officer shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The Executive Officer shall not participate in any business enterprise or investment.~~

~~[(a)] 1. With any vendor or provider to the Program; or~~

~~[(b)] 2. In real or personal property if the Program owns or has a direct financial interest in that enterprise or property.~~

~~[4. The Executive Officer is entitled to an annual salary fixed by the Board. The salary of the Executive Officer is exempt from the limitations set forth in NRS 281.123.]] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 287.0425 is hereby amended to read as follows:~~

~~287.0425 1. The Executive Officer shall submit a report regarding the administration and operation of the Program to the Advisory Board and the Director of the Office of Finance, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committees of the Legislature or, if the Legislature is not in regular session, to the Legislative Commission and the Interim Retirement and Benefits Committee of the Legislature created by NRS 218E.420. The report must include, without limitation:~~

~~(a) An audited financial statement of the Program Fund for the immediately preceding fiscal year. The statement must be prepared by an independent certified public accountant.~~

~~—(b) An audited financial statement of the Retirees' Fund for the immediately preceding fiscal year. The statement must be prepared by an independent certified public accountant.~~

~~—(c) A report of the utilization of the Program by participants during the immediately preceding plan year, segregated by benefit, administrative cost, active employees and retirees, including, without limitation, an assessment of the actuarial accuracy of reserves.~~

~~—(d) Material provided generally to participants or prospective participants in connection with enrollment in the Program for the current plan year, including, without limitation:~~

~~—(1) Information regarding rates and the costs for participation in the Program paid by participants on a monthly basis; and~~

~~—(2) A summary of the changes in the plan design for the current plan year from the plan design for the immediately preceding plan year.~~

~~—2. The Executive Officer shall submit a biennial report to the Advisory Board and the Director of the Office of Finance, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:~~

~~—(a) An independent biennial certified actuarial valuation and report of the State's health and welfare benefits for current and future state retirees, which are provided for the purpose of developing the annual required contribution pursuant to the statements issued by the Governmental Accounting Standards Board.~~

~~—(b) A biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits. The review must be conducted by an attorney who specializes in employee benefits.} (Deleted by amendment.)~~

Sec. 20. NRS 287.0426 is hereby amended to read as follows:

287.0426 1. The Executive Officer may, within the limits of legislative appropriations and other available money, appoint such officers and employees as are necessary for the administration of the Program, who are in the unclassified service of the State and serve at the pleasure of the Executive Officer. ~~[The appointment and dismissal of an officer in charge of quality control are subject to the approval of the Board.]~~

2. The Director of the Department of Administration shall appoint a Quality Control Officer for the Program. The Director shall define the duties of the Quality Control Officer with the concurrence of the Board. The Quality Control Officer is in the unclassified service of the State and serves at the pleasure of the Director.

3. Each officer appointed pursuant to subsection 1 or 2 who is placed in charge of quality control, operations, finance or information technology must be a graduate of a 4-year college or university with a degree that is appropriate to their respective responsibilities or possess equivalent experience. ~~as determined by the Board.~~

~~— 3. — Officers and employees appointed pursuant to subsection 1 are entitled to annual salaries fixed by the Board. The salaries of these officers and employees are exempt from the limitations set forth in NRS 281.123.]~~

~~— 4. — The Executive Officer may employ such staff in the classified service of the State as are necessary for the performance of the Executive Officer's duties, within limits of legislative appropriations or other available money.~~

~~Sec. 21. [NRS 287.043 is hereby amended to read as follows:~~

~~— 287.043 — 1. — The [Board] Executive Officer shall:~~

~~— (a) — Establish and carry out a program to be known as the Public Employees' Benefits Program which:~~

~~— (1) — Must include a program relating to group life, accident or health insurance, or any combination of these; and~~

~~— (2) — May include:~~

~~— (I) — A plan that offers flexibility in benefits, and for which the rates must be based only on the experience of the participants in the plan and not in combination with the experience of participants in any other plan offered under the Program; or~~

~~— (II) — A program to reduce taxable compensation or other forms of compensation other than deferred compensation,~~

~~— for the benefit of all state officers and employees and other persons who participate in the Program.~~

~~— (b) — Ensure that the Program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.~~

~~— 2. — In establishing and carrying out the Program, the [Board] Executive Officer shall:~~

~~— (a) — For the purpose of establishing actuarial data to determine rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.~~

~~— (b) — Except as otherwise provided in this paragraph, negotiate and contract pursuant to paragraph (a) of subsection 1 of NRS 287.025 with the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that wishes to obtain exclusive group insurance for all of its active and retired officers and employees and their dependents, except as otherwise provided in sub subparagraph (III) of subparagraph (2) of paragraph (h), by participation in the Program. The [Board] Executive Officer shall establish separate rates and coverage for active and retired officers and employees of those local governmental agencies and their dependents based on actuarial reports that commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.~~

~~— (c) — Except as otherwise provided in paragraph (d), provide public notice in writing of any proposed changes in rates or coverage to each participating~~

public agency that may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

~~— (d) If a proposed change is a change in the premium or contribution charged for, or coverage of, health insurance, provide written notice of the proposed change to all participants in the Program. The notice must be provided at least 30 days before the date on which a participant in the Program is required to select or change the participant's policy of health insurance.~~

~~— (e) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this State or provide similar coverage through a plan of self insurance established pursuant to NRS 287.0433 for the benefit of all eligible participants in the Program.~~

~~— (f) Except as otherwise provided in this title, develop and establish other employee benefits as necessary.~~

~~— (g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.~~

~~— (h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.010 to 287.245, inclusive, and section 9 of this act, including, without limitation, the establishment of:~~

~~—— (1) Fees for applications for participation in the Program and for the late payment of premiums or contributions;~~

~~—— (2) Conditions for entry and reentry into and exit from the Program by local governmental agencies pursuant to paragraph (a) of subsection 1 of NRS 287.025, which:~~

~~—— (I) Must include a minimum period of 4 years of participation for entry into the Program;~~

~~—— (II) Must include a requirement that participation of any retired officers and employees of the local governmental agency whose last continuous period of enrollment with the Program began after November 30, 2008, terminates upon termination of the local governmental agency's contract with the Program; and~~

~~—— (III) May allow for the exclusion of active and retired officers and employees of the local governmental agency who are eligible for health coverage from a health and welfare plan or trust that arose out of collective bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186;~~

~~—— (3) Procedures by which a group of participants in the Program may leave the Program pursuant to NRS 287.0479 and conditions and procedures for reentry into the Program by those participants;~~

~~—— (4) Specific procedures for the determination of contested claims;~~

~~—— (5) Procedures for review and notification of the termination of coverage of persons pursuant to paragraph (b) of subsection 4 of NRS 287.023; and~~

~~—— (6) Procedures for the payments that are required to be made pursuant to paragraph (b) of subsection 4 of NRS 287.023.~~

~~3. The [Board] Executive Officer may use any services provided to state agencies and shall use the services, guidelines and procedures of the Purchasing Division of the Department of Administration to establish and carry out the Program.~~

~~4. The [Board] Executive Officer may engage the services of an attorney who specializes in health plans and health care law as necessary to assist in carrying out the Program.~~

~~5. The [Board] Executive Officer may make recommendations to the Legislature concerning legislation that [it] the Executive Officer deems necessary and appropriate regarding the Program.~~

~~6. A participating public agency is not liable for any obligation of the Program other than indemnification of the Advisory Board, the Executive Officer and [its] the employees of the Program against liability relating to the administration of the Program, subject to the limitations specified in NRS 41.0349.~~

~~7. As used in this section, "employee benefits" includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 287.0433 is hereby amended to read as follows:~~

~~287.0433 The [Board] Executive Officer may establish a plan of life, accident or health insurance and provide for the payment of contributions into the Program Fund, a schedule of benefits and the disbursement of benefits from the Program Fund. The [Board] Executive Officer may reinsure any risk or any part of such a risk.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 287.04335 is hereby amended to read as follows:~~

~~287.04335 If the [Board] Program provides health insurance through a plan of self insurance, [it] the Executive Officer shall comply with the provisions of NRS 689B.255, 695C.150, 695C.160, 695C.162, 695C.164, 695C.1645, 695C.1665, 695C.167, 695C.170 to 695C.173, inclusive, 695C.177, 695C.200 to 695C.230, inclusive, 695C.241 to 695C.310, inclusive, and 695C.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 287.0434 is hereby amended to read as follows:~~

~~287.0434 The [Board] Executive Officer may:~~

~~1. Use [its] the assets [only] of the Program to pay the expenses of health care for [its] the members of the Program and covered dependents, to pay [its employees'] the salaries of the employees of the Program and to pay administrative and other expenses.~~

~~2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:~~

~~(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for~~

~~approval as to the licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.~~

~~—(b) Does not become effective unless approved by the Commissioner.~~

~~—(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.~~

~~3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The [Board] Executive Officer shall not enter into a contract pursuant to this subsection unless:~~

~~—(a) Provision is made by the [Board] Executive Officer to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the [Board.] Executive Officer.~~

~~—(b) The rates set forth in the contract are based on:~~

~~—(1) For active and retired state officers and employees and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool; and~~

~~—(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool.~~

~~4. Enter into contracts for the services of other experts and specialists as required by the Program.~~

~~5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the [Board] Executive Officer or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.~~

~~6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the [Board] Executive Officer shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.] (Deleted by amendment.)~~

Sec. 24.5. NRS 287.04345 is hereby amended to read as follows:

287.04345 1. The Program is subject to the provisions of chapter 333 of NRS.

2. The Board shall act as the chief of the using agency for the purposes of NRS 333.335.

3. If a committee to evaluate proposals for a contract for the Program is established pursuant to NRS 333.335, any number of members of the Board

may be appointed to the evaluation committee. If one or more members of the Board are appointed to an evaluation committee:

(a) No action or deliberation regarding any business of the Board other than the confidential review of the proposals pursuant to NRS 333.335 may be taken or conducted by the evaluation committee.

(b) Except as otherwise provided in paragraph (a), a meeting of the evaluation committee is not subject to chapter 241 of NRS.

4. The Board shall review ~~[any recommendation for awarding a contract submitted to the Board]~~ the results of any evaluation of proposals for a contract for the Program pursuant to NRS 333.335 ~~[.]~~ in a closed meeting.

5. The Board ~~[may:]~~

~~— (a) Approve the recommendation of the Administrator of the Purchasing Division of the Department of Administration or of a committee appointed to evaluate a proposal and award the contract as recommended; or~~

~~— (b) Schedule a separate public meeting to award the contract.~~

~~2. If the Board conducts a separate meeting pursuant to paragraph (b) of subsection 1, it shall:~~

~~— (a) Disclose the review by the Board of the vendors whose proposals scored the highest;~~

~~— (b) Identify the criteria it will use to evaluate the high-scoring proposals;~~

~~— (c) Consider the ranking given to a proposal by a committee appointed to evaluate the proposal, if any;~~

~~— (d) With regard to a request for proposals, evaluate the responses of vendors interviewed by the Board; and~~

~~— (e) Award the contract based on the best interests of the State.~~

~~3. The Board is not bound by the recommendation of the Administrator of the Purchasing Division or the committee appointed to evaluate the proposal.]~~
shall take the following actions only in an open meeting:

(a) Award the contract pursuant to NRS 333.335;

(b) Cancel the request for proposals; or

(c) Modify and reissue the request for proposals.

Sec. 25. ~~[NRS 287.0435 is hereby amended to read as follows:]~~

~~287.0435 1. Except as otherwise provided in subsection 4 of NRS 287.04362 and subsection 7 of NRS 287.044, all money received for the Program, including, without limitation, money transferred from the Active Employee Group Insurance Subsidy Account established in NRS 287.044, must be deposited in the State Treasury for credit to the Fund for the Public Employees' Benefits Program which is hereby created as a trust fund. The Program Fund must be accounted for as an internal service fund. Payments into and disbursements from the Program Fund must be so arranged as to keep the Program Fund solvent at all times.~~

~~2. The money in the Program Fund must be invested as other money of the State is invested and any income from investments paid into the Program Fund for the benefit of the Program Fund.~~

~~3. Disbursements from the Program Fund must be made as any other claims against the State are paid and may only be made for the benefit of the participants in the Program.~~

~~4. The State Treasurer may charge a reasonable fee for the State Treasurer's services in administering the Program Fund, but the State, the State General Fund and the State Treasurer are not liable to the Program Fund for any loss sustained by the Program Fund as a result of any investment made on behalf of the Program Fund or any loss sustained in the operation of the Program.~~

~~5. The [Board] Executive Officer shall deposit any disbursement received from the Program Fund into an interest bearing checking account in a bank or credit union qualified to receive deposits of public money. Claims that have been submitted to the Program and approved must be paid from the account, and any refund of such a claim must be deposited into the account. (Deleted by amendment.)~~

Sec. 26. [NRS 287.04362 is hereby amended to read as follows:

~~287.04362 1. The money in the Retirees' Fund must not be used or appropriated for any purpose incompatible with the policies of the Program, as expressed in NRS 287.0402 to 287.049, inclusive [.] , and section 9 of this act.~~

~~2. The Retirees' Fund must be invested and administered to ensure the highest return consistent with safety in accordance with accepted investment practices and the laws of this State which may include, without limitation, investment in the Retirement Benefits Investment Fund established pursuant to NRS 255.220.~~

~~3. The [Board] Executive Officer has the exclusive control of the administration and investment of the Retirees' Fund.~~

~~4. The following money must be deposited in the Retirees' Fund:~~

~~(a) All money appropriated by the Legislature to the Retirees' Fund;~~

~~(b) All money provided for the purpose of offsetting the portion of the costs of the health and welfare benefits for current and future state retirees pursuant to NRS 287.046;~~

~~(c) All money accruing to the Retirees' Fund from all other sources; and~~

~~(d) Any other money provided to the Program for the payment of other health and welfare benefits for current and future state retirees pursuant to NRS 287.046.~~

~~5. The interest and income earned on the money in the Retirees' Fund, after deducting any applicable charges, must be credited to the Retirees' Fund.~~

~~6. Any money remaining in the Retirees' Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Retirees' Fund must be carried forward. (Deleted by amendment.)~~

Sec. 27. [NRS 287.04364 is hereby amended to read as follows:

~~287.04364 1. The money in the Retirees' Fund must be expended by the [Board] Executive Officer for the purpose of:~~

~~—(a) Offsetting a portion of the costs of the health and welfare benefits for current and future state retirees pursuant to NRS 287.046; and~~

~~—(b) Paying such other expenses as by law may be paid from the Retirees' Fund.~~

~~—2. Money designated for the purposes set forth in subsection 1 must be withdrawn from the Retirees' Fund and deposited in the Program Fund as necessary.~~

~~—3. The money in the Retirees' Fund belongs to the officers, employees and retirees of this State in aggregate and is to be held in trust by the [Board.] Executive Officer. Neither the State nor the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State, nor any single officer, employee or retiree of any such entity has any right to the money in the Retirees' Fund.] (Deleted by amendment.)~~

Sec. 28. ~~[NRS 287.0439 is hereby amended to read as follows:~~

~~287.0439 1. A participating public agency shall furnish to the [Board.] Executive Officer:~~

~~—(a) Written notice regarding a change in the status of an employee of the participating public agency or a dependent of such an employee that affects the eligibility of the employee or dependent to participate in the Program. Such notice must be provided to the Program, on a form prescribed by the Program, within 15 calendar days after the participating public agency is notified or otherwise becomes aware of the change in status.~~

~~—(b) Upon request, any other information necessary to carry out the provisions of this chapter.~~

~~—2. [Members of the Board] The Executive Officer and [its] the employees or agents of the Program may examine under oath any officer, agent or employee of a participating public agency concerning the information required pursuant to this section.~~

~~—3. The books, records and payrolls of a participating public agency must be available for inspection by [members of] the [Board] Executive Officer and [its] the employees and agents of the Program to obtain any information necessary for the administration of the Program, including, without limitation, the accuracy of the payroll and identity of employees.~~

~~—4. A participating public agency shall reimburse the Program for any premium or contribution that was not paid to the Program as a result of the failure of the participating public agency to furnish the notice required pursuant to paragraph (a) of subsection 1. The participating public agency shall not require any employee or the employee's dependent to reimburse the participating public agency for the amount of any premium or contribution for which the participating public agency is liable to the Program pursuant to this subsection.] (Deleted by amendment.)~~

Sec. 29. ~~[NRS 287.044 is hereby amended to read as follows:~~

~~287.044 1. Except as otherwise provided in subsection 2, each participating state agency shall pay to the Program an amount specified by law~~

~~for every state officer or employee who is employed by a participating public agency on a permanent and full time basis and elects to participate in the Program.~~

~~2. A member of the Senate or Assembly who elects to participate in the Program shall pay the entire premium or contribution for the member's insurance.~~

~~3. State officers and employees who elect to participate in the Program must authorize deductions from their compensation for the payment of premiums or contributions for the Program. Any deduction from the compensation of a state officer or employee for the payment of such a premium or contribution must be based on the actual amount of the premium or contribution after deducting any amount allocated by the [Board] Executive Officer pursuant to subsection 6.~~

~~4. If a state officer or employee chooses to cover any dependents, whenever this option is made available by the [Board,] Executive Officer, except as otherwise provided in NRS 287.021 and 287.0477, the state officer or employee must pay the difference between the amount of the premium or contribution for the coverage for the state officer or employee and such dependents and any amount allocated by the [Board] Executive Officer pursuant to subsection 6.~~

~~5. A participating state agency shall not pay any part of those premiums or contributions if the group life insurance or group accident or health insurance is not approved by the [Board,] Executive Officer.~~

~~6. The [Board] Executive Officer may allocate the money paid to the Program pursuant to subsection 1 between the cost of premiums and contributions for group insurance for each state officer or employee, except a member of the Senate or Assembly, and the dependents of each state officer or employee.~~

~~7. Any amounts paid to the Program pursuant to subsection 1 must be deposited in the Active Employee Group Insurance Subsidy Account, which is hereby established within the Agency Fund for the Payroll of the State created by NRS 227.130. Money in the Account must be used solely for the purposes of subsections 1 and 6. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.] (Deleted by amendment.)~~

Sec. 30. ~~[NRS 287.045 is hereby amended to read as follows:~~

~~287.045 1. Except as otherwise provided in this section, every state officer or employee who is employed in a full time position is eligible to participate in the Program on:~~

~~(a) The first day of full time employment of the state officer or employee, if that date is the first day of the month; or~~

~~(b) The first day of the month immediately following the first day of full time employment of the state officer or employee.~~

~~2. Professional employees of the Nevada System of Higher Education who have annual employment contracts are eligible to participate in the Program on:~~

~~—(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or~~

~~—(b) The first day of the month immediately following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.~~

~~3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on:~~

~~—(a) The first day of full-time employment of the officer or employee, if that date is the first day of the month; or~~

~~—(b) The first day of the month immediately following the first day of full-time employment of the officer or employee,~~

~~unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.~~

~~4. Every member of the Senate and Assembly is eligible to participate in the Program on:~~

~~—(a) The first day of the initial term of office of the member, if that date is the first day of the month; or~~

~~—(b) The first day of the month immediately following the first day of the initial term of office of the member.~~

~~5. For each eligible person identified in subsections 1 to 4, inclusive, the Program must receive the notice required pursuant to NRS 287.0439 before the date on which the person is eligible to enroll in the Program. If the Program does not receive the notice required pursuant to NRS 287.0439 before the date on which the person is eligible to enroll in the Program, the person will not be eligible to enroll in the Program until the first day of the month immediately after the Program received the notice required pursuant to NRS 287.0439 for that person.~~

~~6. Each person identified in subsections 1, 2 and 3 must enroll or decline coverage in the Program before the end of the first month in which he or she is eligible to enroll in the Program. If the person fails to enroll or decline coverage in the Program before the end of the first month in which he or she is eligible to enroll in the Program, he or she will be automatically enrolled on an individual basis, without coverage for dependents, in the base plan offered by the Program. Such a person must be allowed to:~~

~~—(a) Change the plan in which the person is enrolled during the next period of open enrollment; and~~

~~—(b) Add eligible dependents during the next period of open enrollment or after meeting the applicable terms and conditions of the Program.~~

~~—7. [Notwithstanding the provisions of subsections 1, 3 and 4, if the Board does not, pursuant to NRS 689B.580, elect to exclude the Program from compliance with NRS 689B.340 to 689B.580, inclusive, and if the coverage under the Program is provided by a health maintenance organization authorized to transact insurance in this State pursuant to chapter 695C of NRS, any affiliation period imposed by the Program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.~~

~~—8.] As used in this section, "base plan" means the plan designated by the [Board] Executive Officer as the default plan for the year as described in the Program documents.] (Deleted by amendment.)~~

Sec. 31. ~~[NRS 287.046 is hereby amended to read as follows:~~

~~—287.046 1. The Office of Finance shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who were initially hired before January 1, 2012, and have retired with state service.~~

~~—2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon a base amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 5.~~

~~—3. Except as otherwise provided in subsections 7 and 9, the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.~~

~~—4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to the Program from the Retirees' Fund for persons who retired before January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.~~

~~—5. Except as otherwise provided in subsection 6, adjustments to the portion of the amount approved by the Legislature as described in subsection 2 to be paid by the Retirees' Fund for persons who retire on or after January 1, 1994, with state service must be as follows:~~

~~—(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.~~

~~—(b) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~6. The portion to be paid to the Program from the Retirees' Fund on behalf of a retired person whose coverage is provided through the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, or provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., must be:~~

~~—(a) For persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15;~~

~~—(b) For persons who retired on or after January 1, 1994, the base funding level defined by the Legislature multiplied by the number of years of service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of 20 years of service;~~

~~—The [Board] Executive Officer may approve the payment of an additional amount to retired persons described in this subsection that is in excess of the amount paid pursuant to paragraph (a) or (b), or both, for those persons from any money that is available for that purpose;~~

~~7. Except as otherwise provided in subsection 8, no money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State;~~

~~—(a) On or after January 1, 2010, but before January 1, 2012, and who:~~

~~—(1) Has not participated in the Program on a continuous basis since retirement from such employment; or~~

~~—(2) Does not have at least 15 years of service, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and has participated in the Program on a continuous basis since retirement from such employment.~~

~~—(b) On or after January 1, 2012. The provisions of this paragraph must not be construed to prohibit a retired person who was hired on or after January 1, 2012, from participating in the Program until the retired person is eligible for coverage under an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq. The retired person shall pay the entire premium or contribution for his or her participation in the Program.~~

~~8. The provisions of subsection 7 do not apply to a person who was employed by the State on or before January 1, 2012, who has a break in service and returns to work for the State at the same or another participating state agency after that date, regardless of the length of the break in service, so long as the person did not withdraw from and was eligible to participate in the Public Employees' Retirement System before or during the break in service.~~

~~9. If the amount calculated pursuant to subsection 5 or 6 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.~~

~~10. For the purposes of this section:~~

~~—(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.~~

~~—(b) No proration may be made for a partial year of service.~~

~~—11. The Office of Finance shall agree through the [Board] Executive Officer with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 287.0465 is hereby amended to read as follows:~~

~~—287.0465 1. If a member incurs an illness or injury for which medical services are payable under the plan for self insurance established by the [Board] Executive Officer and the illness or injury is incurred under circumstances creating a legal liability in some person, other than the member, to pay all or part of the cost of those services, the [Board] Program is subrogated to the right of the member to the extent of all such costs, and may join or intervene in any action by the member or any successor in interest, to enforce that legal liability.~~

~~—2. If a member or any successor in interest fails or refuses to commence an action to enforce that legal liability, the [Board] Executive Officer may commence an independent action, after notice to the member or any successor in interest, to recover all costs to which it is entitled. In any such action by the [Board,] Executive Officer, the member may be joined as a third party defendant.~~

~~—3. If the [Board] Program is subrogated to the rights of the member or any successor in interest as provided in subsection 1, the [Board] Program has a lien upon the total proceeds of any recovery from the persons liable, whether the proceeds of the recovery are by way of a judgment or settlement or otherwise. Within 15 days after recovery by receipt of the proceeds of the judgment, settlement or other recovery, the member or any successors in interest shall notify the [Board] Executive Officer of the recovery and pay the [Board] Program the amount due to [it] the Program pursuant to this section. The member or any successors in interest are not entitled to double recovery for the same injury.~~

~~—4. The member or any successors in interest shall notify the [Board] Executive Officer in writing before entering any settlement or agreement or commencing any action to enforce the legal liability referred to in subsection 1.~~

~~—5. As used in this section, "member" means:~~

~~—(a) An active or retired officer or employee of the State or a dependent of such an officer or employee who is covered under the Program; and~~

~~—(b) An active or retired officer or employee of a local governmental agency or a dependent of such an officer or employee who is covered under the Program.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 287.0477 is hereby amended to read as follows:~~

~~287.0477 1. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a police officer or firefighter who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the Program or another insurer or employee benefit plan approved by the [Board] Executive Officer pursuant to NRS 287.0479 if the police officer or firefighter was a participant or would have been eligible to participate on the date of the death of the police officer or firefighter. If the surviving spouse or child elects to join or discontinue coverage under the Program pursuant to this subsection, the spouse, child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.~~

~~2. Except as otherwise provided in subsection 4, the surviving spouse and any surviving child of a volunteer firefighter who was killed in the line of duty and who was officially a member of a volunteer fire department in this State is eligible to join the Program. If such a spouse or child elects to join the Program, the spouse, child or legal guardian of the child must notify in writing the [Board] Executive Officer within 60 days after the date of death of the volunteer firefighter.~~

~~3. The participating public agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the Program or another insurer or employee benefit plan approved by the [Board] Executive Officer pursuant to NRS 287.0479 for the surviving spouse or child who meets the requirements set forth in subsection 1. The State of Nevada shall pay the entire cost of the premiums or contributions for the Program for the surviving spouse or child who elects to join the Program pursuant to subsection 2.~~

~~4. A surviving spouse is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse. A surviving child is eligible to receive coverage pursuant to this section until the child reaches the age at which the child would not otherwise be eligible to receive coverage under the Program.~~

~~5. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.] (Deleted by amendment.)~~

Sec. 34. ~~[NRS 287.0479 is hereby amended to read as follows:~~

~~287.0479 1. If approved by the [Board] Executive Officer pursuant to this section, a group of not less than 300 active state officers or employees and retired state officers or employees that participate in the Program may leave the Program and secure life, accident or health insurance, or any combination thereof, for the group from an:~~

~~(a) Insurer that is authorized by the Commissioner of Insurance to provide such insurance; or~~

~~(b) Employee benefit plan, as defined in 29 U.S.C. § 1002(3), that has been approved by the [Board.] Executive Officer. The [Board] Executive Officer~~

~~may approve an employee benefit plan unless the [Board] Executive Officer finds that the plan is not operated pursuant to such sound accounting and financial management practices as to ensure that the group will continue to receive adequate benefits.~~

~~—2.— Before entering into a contract with the insurer or approved employee benefit plan, the group shall submit the proposed contract to the [Board] Executive Officer for approval. The [Board] Executive Officer may approve the contract unless the departure of the group from the Program would cause an increase of more than 5 percent in the costs of premiums or contributions for the remaining participants in the Program. In determining whether to approve a proposed contract, the [Board] Executive Officer shall follow the criteria set forth in the regulations adopted by the [Board] Executive Officer pursuant to subsection 5 and may consider the cumulative impact of groups that have left or are proposing to leave the Program. Except as otherwise provided in this section, the [Board] Executive Officer has discretion in determining whether to approve a contract. If the [Board] Executive Officer approves a proposed contract pursuant to this subsection, the group that submitted the proposed contract is not authorized to leave the Program until 120 days after the date on which the [Board] Executive Officer approves the proposed contract.~~

~~—3.— The [Board] Executive Officer shall not approve a proposed contract between an insurer or approved employee benefit plan and a group pursuant to subsection 2 unless:~~

~~—(a) The group is organized for reasons other than acquiring insurance;~~

~~—(b) The members of the group share job definitions, classifications or employers, or are otherwise members of a job related group formed for reasons other than acquiring insurance;~~

~~—(c) The group has legal authority to enter into contracts and bind its members, meets the requirements of state and federal law concerning nondiscrimination, and has the ability to purchase insurance; and~~

~~—(d) The group includes all active state officers and employees who satisfy the requirements of paragraph (b) for inclusion in the group and all retired state officers and employees who satisfied those requirements at the time of their retirement.~~

~~—4.— The [Board] Executive Officer shall disburse periodically to the insurer or employee benefit plan with which a group contracts pursuant to this section the total amount set forth in the contract for premiums or contributions for the members of the group for that period but not to exceed the amount appropriated to or authorized for the participating state agency that employs the members of the group for premiums or contributions for the members of the group for that period, after deducting any administrative costs related to the group.~~

~~—5.— The [Board] Executive Officer shall adopt regulations establishing the criteria pursuant to which the [Board] Executive Officer will approve proposed contracts pursuant to subsection 2. (Deleted by amendment.)~~

Sec. 35. ~~[NRS 287.048 is hereby amended to read as follows:
287.048 NRS 287.0402 to 287.047, inclusive, and section 9 of this act do not require any officer or employee of the State of Nevada to accept or join the Program, or to assign the officer's or employee's wages or salary in payment of premiums or contributions for the Program.] (Deleted by amendment.)~~

Sec. 36. ~~[NRS 287.0485 is hereby amended to read as follows:
287.0485 No officer, employee or retiree of this State has any inherent right to benefits provided pursuant to NRS 287.0402 to 287.049, inclusive [.] and section 9 of this act.] (Deleted by amendment.)~~

Sec. 37. ~~[NRS 287.245 is hereby amended to read as follows:
287.245 1. The State may agree with any of its employees, and the Board of Regents of the University of Nevada may agree with any of its employees, to reduce the amount of taxable compensation due to an employee in accordance with a program established pursuant to 26 U.S.C. § 125 by the [Board] Executive Officer of the Public Employees' Benefits Program.~~

~~2. Political subdivisions of this State may agree with any of their employees to reduce the amount of taxable compensation due to an employee in accordance with a program established pursuant to 26 U.S.C. § 125.~~

~~3. The employer shall deduct an amount from the taxable compensation of an employee pursuant to the agreement between the employer and the employee.~~

~~4. An employer shall not make any reduction in the taxable compensation of an employee pursuant to this section until the program established meets the requirements of 26 U.S.C. § 125 for eligibility.~~

~~5. The [Board] Executive Officer of the Public Employees' Benefits Program may establish and administer a program pursuant to 26 U.S.C. § 125. The [Board] Executive Officer may:~~

~~(a) Create an appropriate fund for administration of money and other assets resulting from the money deducted pursuant to the program.~~

~~(b) Delegate to one or more state agencies or institutions of the Nevada System of Higher Education the responsibility for administering the program for their respective employees, including, without limitation:~~

~~(1) Collection of money deducted;~~

~~(2) Transmittal of money collected to depositories within the State designated by the [Board:] Executive Officer; and~~

~~(3) Payment for eligible uses.~~

~~(c) Contract with a natural person, corporation, institution or other entity, directly or through a state agency or institution of the Nevada System of Higher Education, for services necessary to the administration of the plan, including, without limitation:~~

~~(1) Consolidated billing;~~

~~(2) The keeping of records for each participating employee and the program;~~

~~(3) The control and safeguarding of assets;~~

~~(4) Programs for communication with employees; and~~

~~—(5) The administration and coordination of the program.~~

~~—6. Each employee who participates in a program established by the [Board] Executive Officer of the Public Employees' Benefits Program pursuant to this section shall pay a proportionate share of the cost to administer the program as determined by the [Board.] Executive Officer.~~

~~—7. The provisions of this section do not supersede, make inoperative or reduce the benefits provided by the Public Employees' Retirement System or by any other retirement, pension or benefit program established by law.] (Deleted by amendment.)~~

Sec. 38. NRS 287.250 is hereby amended to read as follows:

287.250 As used in NRS 287.250 to 287.370, *and sections 10, ~~and~~ 11 and 11.5 of this act*, inclusive, unless the context otherwise requires, the words and terms defined in NRS 287.260 to 287.310, *and section 10 of this act*, inclusive, have the meanings ascribed to them in those sections.

Sec. 39. NRS 287.260 is hereby amended to read as follows:

287.260 " ~~["Advisory]~~ Committee" means the ~~["Advisory]~~ Committee ~~[established to administer]~~ *to Administer the Public Employees' Deferred Compensation Program.*

Sec. 40. ~~[NRS 287.300 is hereby amended to read as follows:~~

~~287.300 "Investment" means a savings account, certificate of deposit, fixed or variable annuity contract, life insurance contract, mutual fund or other investment which the [Committee] Executive Officer has approved for the Program.] (Deleted by amendment.)~~

Sec. 41. NRS 287.310 is hereby amended to read as follows:

287.310 "Program" means the Public Employees' Deferred Compensation Program authorized by NRS 287.250 to 287.370, inclusive ~~[-]~~, *and sections 10, ~~and~~ 11 and 11.5 of this act.*

Sec. 42. NRS 287.320 is hereby amended to read as follows:

287.320 1. The State may agree with any of its employees, and the Board of Regents of the University of Nevada may agree with any of its employees, to defer the compensation due to them in accordance with a program approved by the Committee ~~[Executive Officer]~~ which may consist of one or more plans authorized by 26 U.S.C. § 401(a), 401(k), 403(b), 457 or 3121, including, without limitation, a FICA alternative plan, or any other plan authorized by any federal law to reduce taxable compensation or other forms of compensation. The Board of Regents may agree with any of its employees to defer the compensation due to them as authorized by 26 U.S.C. § 403(b) without submitting the program to the Committee for its approval. An employee may defer compensation under one or more plans in the Program.

2. The employer shall withhold the amount of compensation which an employee has, by such an agreement, directed the employer to defer.

3. The employer may invest the withheld money in any investment approved by the Committee ~~[Executive Officer]~~ or, in the case of deferred compensation under 26 U.S.C. § 403(b) for employees of the Nevada System of Higher Education by the Board of Regents of the University of Nevada.

4. The investments must be underwritten and offered in compliance with all applicable federal and state laws and regulations, and may be offered only by persons who are authorized and licensed under all applicable state and federal regulations.

5. All amounts of compensation deferred pursuant to the Program, all property and all rights purchased with those amounts and all income attributable to those amounts, property or rights must, in accordance with 26 U.S.C. § 401(a), ~~[401(k)]~~ 401(k), 403(b), 457(g) or 3121, including, without limitation, a FICA alternative plan, or any other federal law authorizing a plan to reduce taxable compensation or other forms of compensation, as applicable, be held in trust for the exclusive benefit of the participants in the Program and their beneficiaries.

Sec. 43. NRS 287.325 is hereby amended to read as follows:

287.325 1. The Governor shall appoint ~~to~~ the ~~[Advisory]~~ Committee ~~to administer or~~ Administer the Public Employees' Deferred Compensation Program. The ~~[Advisory]~~ Committee must consist of:

(a) ~~[Three]~~ Two members who are employed by state agencies whose payrolls are administered by the Division of Human Resource Management of the Department of Administration;

(b) One member who is employed by:

(1) A state agency whose payroll is administered by the Division of Human Resource Management of the Department of Administration; or

(2) A political subdivision that participates in the Program;

(c) One member who is employed by a state agency whose payroll is administered by an entity other than the Division of Human Resource Management of the Department of Administration; and

~~[(c)]~~ (d) One member who has retired from employment by the State of Nevada or the Nevada System of Higher Education.

➔ Each member of the ~~[Advisory]~~ Committee must be a participant in the Program, have participated in the Program for not less than 2 years and have been nominated for membership by five or more persons who have each participated in the Program for not less than 6 months.

2. After their initial terms, members of the ~~[Advisory]~~ Committee serve terms of 4 years or until their successors have been appointed and have qualified.

3. A vacancy on the ~~[Advisory]~~ Committee occurs when a member dies, resigns or becomes ineligible for membership on the ~~[Advisory]~~ Committee. A person becomes ineligible for membership on the ~~[Advisory]~~ Committee when:

(a) The person ceases to be a participant in the Program; or

(b) Except as otherwise provided in this paragraph, the person ceases to have the qualifications for membership required by the paragraph of subsection 1 under which the person was appointed. A member of the ~~[Advisory]~~ Committee who ceases to have those qualifications may serve the remainder of the member's term if that period does not exceed 24 months.

4. ~~At its first meeting each year, the Advisory Committee shall designate one of its members to serve as Chair of the Advisory Committee for a term of 1 year or until the Chair's successor has been designated.~~

~~5.]~~ The member appointed pursuant to paragraph ~~[(c)] (d)~~ of subsection 1 must be compensated \$80 per day from money appropriated from the Program pursuant to NRS 287.365 for attending a meeting of the ~~[Advisory]~~ Committee and for acting at the direction of or on behalf of the ~~[Advisory]~~ Committee.

5. ~~6.]~~ For the purposes of this section, "participant in the Program" means a person who is:

- (a) Deferring compensation pursuant to the Program;
- (b) Maintaining deferred compensation in the Program; or
- (c) Receiving payments of deferred compensation pursuant to the Program.

Sec. 44. NRS 287.330 is hereby amended to read as follows:

287.330 1. The ~~[Advisory]~~ Committee shall :

(a) At its first meeting each year, designate one of its members to serve as Chair of the Committee for a term of 1 year or until the Chair's successor has been designated.

~~(b) Act [advise the Executive Officer concerning the administration of the Program]~~ in such a manner as to promote the collective best interests of the participants in the Program.

2. The Committee ~~[Executive Officer]~~ may:

(a) Create an appropriate account for administration of money and other assets resulting from compensation deferred pursuant to the Program.

(b) With the approval of the Governor, delegate to one or more state agencies or institutions of the Nevada System of Higher Education the responsibility for administering the Program for their respective employees, including:

- (1) Collection of deferred compensation;
- (2) Transmittal of money collected to depositories within the State designated by the Committee; ~~[Executive Officer]~~ and
- (3) Payment of deferred compensation to participating employees.

(c) Contract with a private person, corporation, institution or other entity, directly or through a state agency or institution of the Nevada System of Higher Education, for services necessary to the administration of the plan, including, without limitation:

- (1) Consolidated billing;
- (2) The keeping of records for each participating employee and the Program;
- (3) The purchase, control and safeguarding of assets;
- (4) Programs for communication with employees; and
- (5) The administration and coordination of the Program.

3. The ~~[Executive Officer, the employees of the Program and the Advisory]~~ Committee and its individual members are not liable for any decision relating to investments if the ~~[Executive Officer, employees or Advisory]~~ Committee ~~[, as applicable,]~~ has:

- (a) Obtained the advice of qualified counsel on investments.
- (b) Established proper objectives and policies relating to investments.
- (c) Discharged its duties regarding the decision:

- (1) Solely in the interest of the participants in the Program; and

- (2) With the care, skill, prudence and diligence that, under the circumstances existing at the time of the decision, a prudent person who is familiar with similar investments would use while acting in a similar capacity in conducting an enterprise of similar character and purpose.

(d) ~~[Selected at least one plan for the use of the participants in the Program, except that if the Committee Executive Officer has selected two or more plans from which the participants in the Program may choose, the Committee Executive Officer has selected the plans from separate and distinct providers.]~~

~~—(e) Solicited proposals from qualified providers, record keepers or third-party administrators of plans at least once every 5 years.~~

~~—(e) Monitored the plan and investments to ensure that fees and expenses are reasonable.~~

4. The Committee may delegate administrative duties for the Program to the Executive Director. The Executive Director and the staff of the Program shall act to discharge their duties in the collective best interest of the participants of the Program and with the care, skill, prudence and diligence that, under the circumstances existing at the time of the actions, a prudent person who is familiar with similar programs would use while acting in a similar capacity in conducting an enterprise of similar character and purpose.

Sec. 45. ~~[NRS 287.365 is hereby amended to read as follows:]~~

~~—287.365 1. No money may be withdrawn or appropriated from the Program, except:~~

~~—(a) For payment to a participant or beneficiary of a participant pursuant to the terms of the Program;~~

~~—(b) In the amount required to pay the necessary expenses of administering the Program;~~

~~—(c) As specifically authorized by federal law or regulation or by a special act of the Legislature; or~~

~~—(d) To compensate the member of the Advisory Committee appointed pursuant to paragraph (c) of subsection 1 of NRS 287.325.~~

~~—2. All money withdrawn from the Program pursuant to paragraphs (b) and (d) of subsection 1 must be deposited in the State General Fund for credit to the deferred compensation account created pursuant to subsection 2 of NRS 287.330. (Deleted by amendment.)~~

Sec. 46. NRS 287.370 is hereby amended to read as follows:

287.370 No appropriated money of the State may be spent in connection with the administration of the Program except as compensation for employees who participated in the administration as part of their regular duties, including without limitation:

1. Members ~~[and staff]~~ of the ~~[Advisory]~~ Committee; ~~[and employees of the Program; and]~~

2. The Executive Director and employees of the Program; and

3. Employees of the state agency or the institution of the Nevada System of Higher Education selected to administer the Program.

Sec. 47. NRS 333.335 is hereby amended to read as follows:

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Administrator of the Purchasing Division, or a committee appointed by the Administrator in accordance with the regulations adopted pursuant to NRS 333.135, if the Administrator is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Administrator of the Purchasing Division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal. ~~If the contract is being awarded for the Public Employees' Benefits Program, the Executive Officer of the Program may observe the activities of the committee, but may not vote or otherwise participate in the evaluation.~~

3. In making an award, the chief of the using agency, the Administrator of the Purchasing Division or each member of the committee, if a committee is established, shall consider and assign a score for each of the following factors for determining whether the proposal is in the best interests of the State of Nevada:

(a) The experience and financial stability of the person submitting the proposal;

(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;

(c) The price of the proposal; and

(d) Any other factor disclosed in the request for proposals.

4. The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in subsection 3 before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted.

5. ~~[Except as otherwise provided in this subsection, the]~~ The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the best interests of the State, as determined by the total scores assigned pursuant to

subsection 3, and is not required to accept the lowest-priced proposal. ~~[If the contract is being awarded for the Public Employees' Benefits Program, the Administrator of the Purchasing Division or the committee, if a committee is established, shall submit recommendations for awarding the contract to the Board for the Public Employees' Benefits Program, which shall award the contract in accordance with NRS 287.04345.]~~

6. Except as otherwise provided in NRS 239.0115, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

Sec. 48. ~~[NRS 354.671 is hereby amended to read as follows:~~

~~354.671 1. Upon receipt of notification by the [Board] Executive Officer of the Public Employees' Benefits Program pursuant to NRS 287.0434 that a local government is delinquent by more than 90 days on an amount due to the Public Employees' Benefits Program pursuant to paragraph (b) of subsection 4 of NRS 287.023, the Executive Director shall notify the governing body that the presence of a representative of the governing body is required at the next practicable scheduled meeting of the Committee to explain the reason that the payment has not been made. The notice must be transmitted to the governing body at least 5 days before the date on which the meeting will be held.~~

~~2. If an explanation satisfactory to the Committee is not provided at the meeting as requested in the notice and an arrangement is not made for the submission of the payment, the Committee may instruct the Executive Director to request that the State Treasurer withhold from the local government an amount equal to the amount of the delinquent payment from the next distribution from the Local Government Tax Distribution Account, if the local government is otherwise entitled to receive such a distribution, the local school support tax if the local government is a school district or any other property taxes, taxes on the net proceeds of minerals or grants to which the local government may otherwise be entitled as a distribution from the State. Upon receipt of such a request, the State Treasurer shall withhold that amount from the payment or any future payment as necessary until the State Treasurer is notified by the Executive Director that the delinquent payment has been received by the Department, except that the State Treasurer shall not withhold any payment necessary for the local government to make a timely payment that is due and owing to a holder. The Department shall transmit the delinquent payment to the Public Employees' Benefits Program upon receipt.] (Deleted by amendment.)~~

Sec. 49. ~~[NRS 355.220 is hereby amended to read as follows:~~

~~355.220 1. The Retirement Benefits Investment Board is hereby created. The membership of the Board consists of the members of the Public Employees' Retirement Board, who shall serve in that capacity ex officio and without any additional compensation.~~

~~2. The Board shall establish and administer a fund to be known as the Retirement Benefits Investment Fund for the investment of money deposited with the Board pursuant to subsection 6 of NRS 287.017. Any money received~~

~~by the Board pursuant to subsection 6 or NRS 287.017 shall be deemed to be held for investment purposes only and not in any fiduciary capacity. Any money in the Fund must be invested in the same manner as money in the Public Employees' Retirement Fund is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.~~

~~3. Money in the Fund may be transferred to the State Retirees' Health and Welfare Benefits Fund created by NRS 287.0436 to be used for the purposes specified in NRS 287.0436.~~

~~4. The Board may assess reasonable charges against the Fund for the payment of its expenses in administering the Fund. Except as otherwise provided in subsection 3, no other money may be withdrawn from the Fund except as directed by the [board] person or entity responsible for that money pursuant to subsection 6 or NRS 287.017, as applicable.~~

~~5. Except as otherwise provided in this section, the Board has the same powers and duties in carrying out the provisions of this section as those pertaining to the administration of the Public Employees' Retirement Fund by the Public Employees' Retirement Board. The Retirement Benefits Investment Board may employ such staff and contract for the provision of such management, investment and other services, including, without limitation, the services of accountants, actuaries, attorneys and investment managers, as are necessary for the administration of the Fund and to carry out the provisions of this section.~~

~~6. Notwithstanding any other provision of law, the [Board] Executive Officer of the Public Employees' Benefits Program may deposit any of the assets of the Public Employees' Benefits Program in the Fund for purposes of investment if [it] the Executive Officer obtains an opinion from [its] the legal counsel of the Program that the investment of those assets in accordance with this section will not violate any of the provisions of Sections 9 and 10 of Article 8 of the Nevada Constitution.~~

~~7. As used in this section, unless the context otherwise requires:~~

~~(a) "Board" means the Retirement Benefits Investment Board created pursuant to this section.~~

~~(b) "Fund" means the Retirement Benefits Investment Fund created pursuant to this section.] (Deleted by amendment.)~~

Sec. 50. ~~[NRS 689B.065 is hereby amended to read as follows:~~

~~689B.065 1. A policy of group health insurance issued to replace any discontinued policy or coverage for group health insurance must:~~

~~(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and~~

~~(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage;~~

~~if that replacement policy is issued within 60 days after the date on which the previous policy or coverage was discontinued.~~

~~2. If an employer obtains a replacement policy pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to the employees of the employer pursuant to NRS 608.1577.~~

~~3. Any insurer which issues a replacement policy pursuant to subsection 1 may submit a written request to the insurer who provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer who provided the previous policy or coverage shall give a written statement to the insurer providing the replacement policy which indicates what benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.~~

~~4. The provisions of this section:~~

~~(a) Apply to a self-insured employer who provides health benefits to the employees of the employer and replaces those benefits with a policy of group health insurance.~~

~~(b) Do not apply to the Public Employees' Benefits Program established pursuant to NRS 287.0402 to 287.049, inclusive [.] and section 9 of this act.] (Deleted by amendment.)~~

Sec. 51. 1. Notwithstanding the amendatory provisions of this act, a member of the Committee to administer the Public Employees' Deferred Compensation Program appointed pursuant to NRS 287.325 who is serving a term on June 30, 2017, is entitled to serve out the remainder of the term to which he or she is appointed. ~~[as a member of the Advisory Committee of the Public Employees' Deferred Compensation Program appointed pursuant to NRS 287.325, as amended by section 43 of this act.]~~

2. Notwithstanding the amendatory provisions of this act, a member of the Board of the Public Employees' Benefits Program appointed pursuant to NRS 287.041 who is serving a term on June 30, 2017, is entitled to serve out the remainder of the term to which he or she was appointed if he or she would qualify for appointment under any of the membership categories in NRS 287.041, as amended by section 15 of this act.

3. The terms of the members of the Board of the Public Employees' Benefits Program created by NRS 287.041 who are incumbent on June 30, 2017, and who would not qualify for appointment under any of the categories in subsection 1 of NRS 287.041, as amended by section 15 of this act, expire on that date.

~~3.] June 30, 2017.~~

4. On or before July 1, 2017, the Governor shall appoint ~~[the six]~~ members ~~[of] to the [Advisory] Board of the Public Employees' Benefits Program created by NRS 287.041 [., as amended by section 15 of this act, to terms commencing on July 1, 2017, as follows:~~

~~(a) Two members to terms that expire on July 1, 2019;~~

~~—(b) Two members to terms that expire on July 1, 2020; and~~
~~—(c) Two members to terms that expire on July 1, 2021.] to fill any vacancies~~
that occur pursuant to the amendatory provisions of this section and section 15
of this act.

Sec. 52. ~~[1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.~~

~~—2. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.~~

~~—3. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.] (Deleted by amendment.)~~

Sec. 53. ~~[The Legislative Counsel shall:~~

~~—1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State who name is changed by this act or for the name which the agency, officer or instrumentality previously used; and~~

~~—2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.] (Deleted by amendment.)~~

Sec. 54. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 55. NRS 287.0428 ~~[and 287.04345 are]~~ is hereby repealed.

Sec. 56. This act becomes effective upon passage and approval for the purpose of appointing, pursuant to section 51 of this act, members to the ~~[Advisory]~~ Board of the Public Employees' Benefits Program created by NRS 287.041, as amended by section 15 of this act, and on July 1, 2017, for all other purposes.

TEXT OF REPEALED ~~[SECTIONS]~~ SECTION

287.0428 Continuing education.

1. Each member of the Board and the Executive Officer shall complete at least 16 hours of continuing education relating to the administration of group benefits for public employees each year.

2. While attending courses of continuing education, a member of the Board who is a public employee and the Executive Officer must be granted administrative leave with pay and are entitled to receive the travel expenses provided for state officers and employees generally.

3. While attending courses of continuing education, a member of the Board who is not a public employee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[287.04345 Procedure for awarding contracts to vendors.~~

~~1. The Board shall review any recommendation for awarding a contract submitted to the Board pursuant to NRS 333.335. The Board may:~~

~~(a) Approve the recommendation of the Administrator of the Purchasing Division of the Department of Administration or of a committee appointed to evaluate a proposal and award the contract as recommended; or~~

~~(b) Schedule a separate public meeting to award the contract.~~

~~2. If the Board conducts a separate meeting pursuant to paragraph (b) of subsection 1, it shall:~~

~~(a) Disclose the review by the Board of the vendors whose proposals scored the highest;~~

~~(b) Identify the criteria it will use to evaluate the high-scoring proposals;~~

~~(c) Consider the ranking given to a proposal by a committee appointed to evaluate the proposal, if any;~~

~~(d) With regard to a request for proposals, evaluate the responses of vendors interviewed by the Board; and~~

~~(e) Award the contract based on the best interests of the State.~~

~~3. The Board is not bound by the recommendation of the Administrator of the Purchasing Division or the committee appointed to evaluate the proposal.]~~

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 459 to Senate Bill No. 502 deals with the benefit programs for public employees. It eliminates the provisions of the bill that would have placed the Public Employees Benefit Program (PEBP) under the control of the Department of Administration. It eliminates the provision of the bill that would have made the PEBP Board and the Committee on Deferred Compensation for State Employees advisory and revises the membership of both entities. It authorizes the Committee to administer the Public Employees Deferred Compensation Program and appoints the Executive Officer of the Public Employees Deferred Compensation Program, but with the concurrence of the Governor. The Executive Officer serves in the unclassified service of the State and serves at the pleasure of the Director, except that he or she may be removed by a majority vote of the Committee. The amendment authorizes the Director of the Department instead of the Executive Officer of PEBP to appoint PEBP's Quality Control Officer. Finally, the amendment also makes PEBP and the Deferred Compensation Program subject to the procurement process in existing law governing State procurement and allows both entities to review any evaluations of proposals for contract in closed hearings.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 323.

Bill read second time.

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

Amendment No. 282.

SUMMARY—Revises provisions governing the Supplemental Nutrition Assistance Program. (BDR 38-627)

AN ACT relating to the Supplemental Nutrition Assistance Program; prescribing the manner in which the Department of Health and Human Services must calculate the 36-month time period for determining a person's eligibility for benefits under the Program; requiring the Department to seek a waiver from certain federal requirements concerning eligibility for benefits under the Program; authorizing the Division of Welfare and Supportive Services of the Department to prioritize certain persons for the continued receipt of benefits under the Program if the Department obtains such a waiver; requiring the Department to create a voluntary workfare program; ~~requiring~~ authorizing the [Department] Division to contract with appropriate persons and entities for certain purposes relating to the Supplemental Nutrition Assistance Program; requiring the Department to consult with certain persons concerning actions of the Federal Government and the Department relating to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law establishes the Supplemental Nutrition Assistance Program. (7 U.S.C. §§ 2011 et seq.) The Program in this State is administered by the Department of Health and Human Services. (NRS 422A.338) Under federal law, certain Program beneficiaries who have received benefits for at least 3 months during the preceding 36-month period are required to: (1) work for at least 20 hours per week; or (2) participate for at least 20 hours per week in a work program approved by the state agency which administers the Program. (7 U.S.C. §§ 2015(o)(2)(A) and (B), 2015(o)(3)) Alternatively, federal law allows a beneficiary to meet the work requirement by serving in a federally approved workfare or volunteer work program operated by the State. (7 U.S.C. § 2015(o)(2)(C)) Section 2 of this bill requires the Department to calculate the 36-month period such that the period begins and ends on fixed, definite dates that are the same for each beneficiary in this State and runs continuously.

Federal law authorizes the state agency which administers the Program to request that the Secretary of Health and Human Services waive the work requirement for certain groups of beneficiaries. Such a waiver may be granted if the Secretary determines that: (1) the beneficiaries the waiver seeks to exempt reside in a geographic area where the unemployment rate exceeds 10 percent; or (2) the geographic area in which the waiver will apply does not have a sufficient number of jobs to provide adequate employment for the affected group of beneficiaries. (7 U.S.C. § 2015(o)(4)(A)) This State currently operates under such a waiver granted by the Secretary that expires on July 1, 2017. Additionally, under federal law, the state agency which

administers the Program may grant exemptions from the work requirement for up to 15 percent of the Program beneficiaries even if the State has not sought a waiver from the Secretary. (7 U.S.C. § 2015(o)(6)(D)) Section 2 of this bill requires the Department of Health and Human Services to seek a waiver to ~~[exempt certain persons from the requirement to work or participate in a work program.]~~ replace the existing waiver, which expires on July 1, 2017. If the Department obtains such a waiver, section 2 authorizes the Division of Welfare and Supportive Services of the Department to prioritize certain persons for the continued receipt of benefits under the Program. Additionally, section 2 requires the Department to establish a voluntary workfare program to assist Program beneficiaries in meeting the work requirement. Finally, section 2 ~~[requires]~~ authorizes the [Department] Division to contract with appropriate persons and entities to assist in determining whether a person is exempt from the work requirement. Section 3 of this bill requires the Department to consult ~~[monthly]~~ as necessary until October 1, 2019, with persons and entities who provide services to persons who are subject to the work requirement concerning actions by the Federal Government relating to that requirement and the Department's efforts to implement the provisions of section 2.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The Department shall:

~~1-1~~ (a) Calculate the 36-month period prescribed by 7 U.S.C. § 2015(o)(2) such that the period begins and ends on fixed, definite dates that are the same for each recipient of benefits under the Supplemental Nutrition Assistance Program in this State and runs continuously.

~~2-1~~ (b) Seek a waiver pursuant to 7 U.S.C. § 2015(o)(4) to allow a person otherwise subject to the 3-month limit to receive Supplemental Nutrition Assistance Program benefits pursuant to 7 U.S.C. § 2015(o)(2) to continue to receive such benefits without meeting the federal requirements. ~~1-1~~

~~— (a) If the person is the subject of a pending case to determine his or her eligibility for disability benefits from the federal social security system or pursuant to chapters 616A to 616D, inclusive, of NRS;~~

~~— (b) For 1 year after the person was discharged from the Armed Forces of the United States or the National Guard;~~

~~— (c) If the person does not have custody of his or her child but is responsible for child support; or~~

~~— (d) If the person resides in a county whose unemployment rate is at least 10 percent or is 20 percent above the national average.~~

~~3-1~~ (c) Adopt regulations to establish a voluntary workfare program in accordance with the requirements set forth in 7 C.F.R. § 273.7(m)(8) to allow a person to meet the eligibility requirements set forth in 7 U.S.C. § 2015(o)(2) by participating in such a program. The voluntary workfare program must

provide that participants will receive benefits at a rate equivalent to the state minimum wage.

~~{ 4. Contract }~~

2. If the Department obtains a waiver pursuant to paragraph (b) of subsection 1, the Division may prioritize a person described in that paragraph for the continued receipt of benefits:

(a) If the person is the subject of a pending case to determine his or her eligibility for disability benefits from the federal social security system or pursuant to chapters 616A to 616D, inclusive, of NRS;

(b) For 1 year after the person was discharged from the Armed Forces of the United States or the National Guard;

(c) If the person does not have custody of his or her child but is responsible for child support; or

(d) If the person resides in a county whose unemployment rate is at least 10 percent or is 20 percent above the national average.

3. The Division may contract with appropriate persons or entities to assist in determining whether a person is eligible to receive benefits under the provisions of any waiver granted pursuant to ~~paragraph (b) of subsection 2~~ paragraph (b) of subsection 1 or is otherwise exempt from the 3-month limit for receiving Supplemental Nutrition Assistance Program benefits prescribed by 7 U.S.C. § 2015(o)(2).

Sec. 3. The Department shall consult ~~(monthly)~~ whenever necessary with persons and entities who provide services to persons subject to the 3-month limit for receiving Supplemental Nutrition Assistance Program benefits prescribed by 7 U.S.C. § 2015(o)(2) concerning actions of the Federal Government relating to that 3-month limit and the efforts of the Department to comply with the requirements of section 2 of this act.

Sec. 4. 1. This section and sections 1 and 3 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on ~~{October}~~ July 1, 2017, for all other purposes.

3. Section 3 of this act expires by limitation on October 1, 2019.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 282 revises Senate Bill No. 323 to authorize the Division of Welfare and Supportive Services, Department of Health and Human Services, to prioritize certain persons for the continued receipt of Supplemental Nutrition Assistance Program (SNAP) benefits if the Department obtains a waiver from certain federal requirements. The amendment clarifies the workfare program the Department must create is voluntary and authorizes the Division to contract with appropriate persons and entities concerning SNAP.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 212, 286, 323, 402, 405, 414, 419, 502 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Spearman moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 7:40 p.m.

SENATE IN SESSION

At 7:44 p.m.

President Hutchison presiding.

Quorum present.

Senator Woodhouse moved that the action whereby Senate Bill No. 414 was re-referred to the Committee on Finance be rescinded.

Motion carried.

Senator Spearman moved that Senate Bill No. 146 be taken from the Secretary's desk and placed on the bottom of the General File, seventh Agenda.

Motion carried.

Senator Hardy moved that Senate Bill No. 101 be taken from the Secretary's desk and placed on the bottom of the General File, seventh Agenda.

Motion carried.

Senator Kieckhefer moved that Senate Bill No. 509 be taken from the Secretary's desk and placed on the bottom of the General File, seventh Agenda.

Motion carried.

Senator Ford moved that Senate Bill No. 484 be taken from the Secretary's desk and placed on the bottom of the General File, seventh agenda.

Motion carried.

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Ford

For: Senate Bill No. 394.

To Waive:

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

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

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

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

Has been granted effective: Monday, April 24, 2017.

AARON D. FORD
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

Senator Ford moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 7:47 p.m.

SENATE IN SESSION

At 8:04 p.m.
President Hutchison presiding.
Quorum present.

WAIVERS AND EXEMPTIONS NOTICE OF EXEMPTION

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 212.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that the action whereby Senate Bill No. 498 was re-referred to the Committee on Finance be rescinded.
Motion carried.

Senator Ford moved that Senate Bill No. 482 be taken from the Secretary's desk and placed on the Second Reading File.
Motion carried.

Senator Spearman moved that Senate Bill No. 146 be taken from the General File and placed on the Secretary's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 122.

Bill read third time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 579.

SUMMARY—Establishes a program to provide grants for family planning services. (BDR 40-630)

AN ACT relating to family planning; establishing a program to award grants to local governmental entities and nonprofit organizations for the purpose of providing certain services relating to family planning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to: (1) conduct a family planning service in any county of this State; and (2) establish a policy of

referral of certain persons for family planning services. (NRS 422.308) Section 5 of this bill establishes the Account for Family Planning in the State General Fund and requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to administer the Account. Section 5 requires the money in the Account to be expended to award grants of money to local governmental entities and nonprofit organizations to be used to provide certain services relating to family planning to persons who would otherwise have difficulty obtaining those services. Section 5 authorizes a local government that is awarded a grant to provide such family planning services through a contract with another person or entity. Section 6 of this bill authorizes the Administrator to accept gifts, grants and donations for the purpose of awarding such grants. Section 7 of this bill requires the recipient of a grant to provide certain information to a person to whom the recipient provides counseling that is funded by a grant. Sections 7 and 9 of this bill provide that any personally identifiable information concerning a person to whom a grant recipient provides services is confidential. Section 8 of this bill requires the State Board of Health to adopt regulations concerning the award of grants.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Account" means the Account for Family Planning created by section 5 of this act.*

Sec. 4. *"Administrator" means the Administrator of the Division.*

Sec. 5. 1. *The Account for Family Planning is hereby created in the State General Fund. The Administrator shall administer the Account.*

2. *Except as otherwise provided in subsection ~~3.~~ 4, the money in the Account must be expended to award grants of money to local governmental entities and nonprofit organizations to provide the family planning services ~~recommended by the Centers for Disease Control and Prevention and the Office of Population Affairs of the United States Department of Health and Human Services~~ described in this section to persons who would otherwise have difficulty obtaining such services because of poverty, lack of insurance or transportation or any other reason. ~~Family planning services funded by grants~~ Grants of money awarded pursuant to this section may ~~include, without limitation,~~ only be used to fund:*

(a) ~~Counseling~~ The provision of counseling by trained personnel concerning family planning;

(b) ~~Distributing~~ The distribution of information concerning family planning;

(c) ~~{Referring}~~ The referral of persons to appropriate agencies, organizations and providers of health care for consultation, examination, treatment, genetic counseling and prescriptions for the purpose of family planning;

(d) ~~{Distributing drugs, contraceptive devices, thermometers, charts and other products relating to family planning;}~~ The distribution of contraceptives, the installation of contraceptive devices and the performance of contraceptive procedures approved by the United States Food and Drug Administration, which must be limited to:

- (1) Sterilization surgery for women;
- (2) Surgical sterilization implants for women;
- (3) Implantable rods;
- (4) Copper intrauterine devices and intrauterine devices with progestin;
- (5) Contraceptive injections and patches;
- (6) Combined oral contraceptive pills, progestin only oral contraceptives and oral contraceptives for extended or continuous use;
- (7) Vaginal contraceptive rings;
- (8) Diaphragms;
- (9) Contraceptive sponges;
- (10) Cervical caps;
- (11) Female condoms;
- (12) Spermicide; and
- (13) Levonorgestrel and ulipristal acetate;

(e) ~~{Providing or referring}~~ The provision of or referral of persons for preconception health services and assistance to achieve pregnancy; and

(f) ~~{Providing or referring}~~ The provision of or referral of persons for testing for and treatment of sexually transmitted infections.

3. Family planning services funded by a local governmental entity using a grant awarded pursuant to this section may be provided wholly or partially through a contract between the local governmental entity and another local governmental entity, an agency of the State, a community health nurse, a consultant or any other person or entity.

4. Family planning services funded using a grant awarded pursuant to this section must be provided:

- (a) In a manner that protects the dignity of the recipient;
- (b) Without regard to religion, race, color, national origin, physical or mental disability, age, sex, gender identity or expression, sexual orientation, number of previous pregnancies or marital status; ~~{and}~~

(c) In accordance with ~~{written}~~ :

(1) Written clinical protocols that are in accordance with nationally recognized standards of care ~~{~~

~~{~~

(2) The provisions of 42 U.S.C. § 300(a) requiring a grantee to encourage family participation, to the extent practical, in family planning projects; and

(3) The provisions of Program Policy Notice 2014-01 issued by the Office of Population Affairs of the United States Department of Health and Human Services on June 5, 2014, prohibiting a grantee from requiring the consent of parents or guardians for the provision of services to a minor or notifying the parent or guardian of a minor before or after the minor has requested or received family planning services, regardless of whether that Program Policy Notice is superseded or revoked; and

(d) By persons who are required by NRS 432B.220 to report the abuse or neglect of a child.

5. The Administrator may not use more than 10 percent of the money in the Account to administer the Account.

~~5.7~~ 6. The Administrator shall award grants of money from the Account based entirely on the need for family planning services in the community served by the local governmental entity or the nonprofit organization and the ability of the local governmental entity or nonprofit organization to effectively deliver family planning services.

~~6.7~~ 7. The existence of the Account does not create a right in any local government or nonprofit organization to receive money from the Account.

~~7.7~~ 8. As used in this section, "preconception health services" means the promotion of proper health practices, screenings and interventions conducted before pregnancy to identify and modify biomedical, behavioral and social risks to a woman's health or pregnancy outcome through prevention and management.

Sec. 6. 1. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of awarding grants pursuant to section 5 of this act. Any money so received must be deposited in the Account.

2. The interest and income earned on money in the Account from any gift, donation or bequest, after deducting any applicable charges, must be credited to the Account.

3. Money from any gift, donation or bequest that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 7. 1. A local governmental entity or nonprofit organization that receives a grant pursuant to section 5 of this act shall:

(a) Inform a person to whom the entity or organization provides counseling concerning family planning which is funded by a grant of any methods or procedures that may be used to assist the person to achieve his or her goals concerning family planning. The information must include:

(1) A clear explanation of family planning services, procedures, prescriptions and devices available directly from the entity or organization and those for which referral is required;

(2) A description of any risks of the method or procedure, including possible negative outcomes and discomfort or pain that may result from using the method or procedure;

(3) A description of the likely outcome and benefits of using the method or procedure;

(4) A description of any alternative methods or procedures designed to accomplish the same goal; and

(5) Answers to any questions the person has concerning the method or procedure.

(b) Notify a person to whom the entity or organization provides counseling concerning family planning which is funded by a grant that the person is free to refuse any method or procedure about which the entity or organization informs the person pursuant to paragraph (a).

2. Any personally identifiable information concerning a person to whom services funded by a grant pursuant to section 5 of this act are provided is confidential. A local governmental entity or nonprofit organization that receives such a grant shall comply with all laws concerning the privacy of information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

Sec. 8. 1. The State Board of Health shall adopt any regulations necessary to carry out the provisions of sections 2 to 8, inclusive, of this act. The regulations must establish, without limitation:

(a) The manner in which a local governmental entity or nonprofit organization may apply for a grant pursuant to section 5 of this act; and

(b) A requirement that the recipient of a grant pursuant to section 5 of this act must submit any information that the State Board of Health determines is necessary for the Administrator to determine the purposes for which such a grant was used and evaluate the outcomes of services provided using such grants.

2. The regulations adopted pursuant to this section must not require a local governmental entity or nonprofit organization to apply for a grant pursuant to section 5 of this act.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,

218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 7 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and

section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 10. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 579 to Senate Bill No. 122 makes explicit what the grant money can be used for and makes clear that none of the funds can be used for abortions.

Amendment adopted.

Bill ordered reprinted, engrossed and to the third reading.

Senate Bill No. 124.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 567.

SUMMARY—Revises provisions concerning the ownership, possession and control of firearms by certain persons. (BDR 3-307)

AN ACT relating to firearms; revising provisions concerning the surrender, sale or transfer of any firearm by an adverse party subject to an extended order for protection against domestic violence; requiring a person convicted of a battery which constitutes domestic violence ~~for~~ and a person convicted of stalking in certain circumstances to permanently surrender, sell or transfer any such firearm; adding additional persons to the list of persons who are prohibited from owning or having in their possession or under their custody or control any firearm; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to include in an extended order for protection against domestic violence: (1) a requirement that the adverse party surrender, sell or transfer any firearm in his or her possession or under his or her custody or control; and (2) a prohibition on the adverse party against possessing or having under his or her custody or control any firearm while the order is in effect. (NRS 33.031) Existing law also authorizes the court to include in such an extended order a limited exception from the prohibition to possess or have under the adverse party's custody or control any firearm if the adverse party establishes certain facts relating to the necessity of using or possessing a firearm for purposes of his or her employment. (NRS 33.031) Section 1 of this bill adds the requirement that the adverse party establish that he or she only uses or possesses the firearm in the course of his or her employment. Additionally, existing law makes an adverse party who violates any provision included in an extended order for protection against domestic violence concerning the surrender, sale, transfer, possession, custody or control of a firearm guilty of a gross misdemeanor. (NRS 33.031) Section 1 increases the crime to a category B felony.

Section 2 of this bill revises the methods by which an adverse party who is ordered to surrender, sell or transfer any firearm pursuant to an extended order for protection against domestic violence may do so by removing the option to surrender a firearm to a person designated by the court. Section 2 provides that an adverse party who does not have any firearm to surrender, sell or transfer must submit an affidavit to the court stating that fact. Section 2 additionally provides that if an adverse party sells or transfers a firearm to a licensed firearm dealer, the licensed firearm dealer is required to provide the adverse party with a receipt containing certain information regarding the sale or transfer.

~~[Sections] Section 3 [and 4]~~ of this bill ~~[provide]~~ provides that in every judgment of conviction issued for a battery which constitutes domestic violence, ~~for stalking, respectively,~~ the court must inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm, and order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or has

in his or her possession or under his or her custody or control. Section 4 of this bill requires a court to include a finding on the judgment of conviction of a person convicted of stalking if the court determines the victim has an ongoing, reasonable fear of physical harm and the convicted person has a relationship with the victim that also makes the act domestic violence. If such a finding is entered on the judgment of conviction, section 4 prohibits the convicted person from owning, possessing or having under his or her custody or control any firearm. Sections 3 and 4 also provide that ~~[any]~~ a person who violates a provision included in a judgment of conviction issued for a battery which constitutes domestic violence or stalking relating to owning, possessing or taking other actions relating to a firearm is guilty of a category B felony.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. (NRS 202.360) Section 7 of this bill adds to such a list of persons: (1) ~~[a person who has been convicted of a crime that constitutes domestic violence pursuant to Nevada law or a substantially similar law of any other state; (2)]~~ a person who has been convicted of stalking pursuant to Nevada law or a substantially similar law of any other state and the court has entered a finding on the judgment of conviction described above; and ~~[(2)]~~ (2) a person currently subject to an extended order for protection against domestic violence in this State or an equivalent order in any other state. Section 5 of this bill requires such a person to surrender, sell or transfer any firearm that the person owns, possesses or has under his or her custody or control, and sets forth the procedure relating to the surrender, sale or transfer of any such firearm.

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

Section 1. NRS 33.031 is hereby amended to read as follows:

33.031 1. A court may include in an extended order issued pursuant to NRS 33.030:

(a) A requirement that the adverse party surrender, sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control in the manner set forth in NRS 33.033; and

(b) A ~~[prohibition on]~~ *statement that, unless the provisions of subsection 3 apply, the adverse party ~~[against]~~ is prohibited from possessing or having under the adverse party's custody or control any firearm while the order is in effect ~~[] pursuant to NRS 202.360.~~*

2. In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:

(a) Has a documented history of domestic violence;

(b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and

(c) Has used a firearm in the commission or attempted commission of any crime.

3. If a court includes the provisions set forth in subsection 1 in an extended order, the court may include a limited exception from the prohibition to possess or have under the adverse party's custody or control any firearm if the adverse party establishes that:

(a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of the adverse party's employment; ~~and~~

(b) *The adverse party only uses or possesses the firearm in the course of such employment; and*

(c) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

4. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a ~~gross misdemeanor~~. ~~If the court includes any such provision in an extended order, the~~ *category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the order a statement that violation of such a provision in the order is a gross misdemeanor.* *category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

Sec. 2. NRS 33.033 is hereby amended to read as follows:

33.033 1. If a court orders an adverse party to surrender , *sell or transfer* any firearm pursuant to NRS 33.031, the adverse party shall, not later than 24 hours after service of the order:

(a) Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to the appropriate local law enforcement agency designated by the court in the order;

(b) ~~Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to a person designated by the court in the order; or~~

~~—(c)—~~ Sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control to a licensed firearm dealer ~~[-]~~ ; or

(c) *Submit an affidavit:*

(1) *Informing the court that he or she currently does not have any firearm in his or her possession or under his or her custody or control; and*

(2) *Acknowledging that failure to surrender, sell or transfer any firearm in his or her possession or under his or her custody or control is a violation of the extended order and state law.*

2. If the court orders the adverse party to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall,

not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the receipt to the court.

3. ~~If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after the adverse party surrenders any firearm to such person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered to such person.~~

~~—4.} If the adverse party sells or transfers any firearm to a licensed firearm dealer {that is subject to an order} pursuant to paragraph {(e)} (b) of subsection 1 [, the] :~~

(a) The licensed firearm dealer shall provide the adverse party with a receipt which includes a description of each firearm sold or transferred and, if the firearm was transferred, whether the transfer is permanent or temporary; and

(b) The adverse party shall, not later than 72 hours or 1 business day, whichever is later, after such sale or transfer, provide the receipt to the court and the appropriate local law enforcement agency . ~~{a receipt of such sale or transfer and a written description of each firearm sold or transferred.}~~

~~—5.} 4. If there is probable cause to believe that the adverse party has not surrendered, sold or transferred any firearm in the adverse party's possession or under the adverse party's custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter and search any place where there is probable cause to believe any firearm is located and seize the firearm.~~

~~{6.} 5. A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.~~

6. *A licensed firearm dealer may charge and collect a fee from the adverse party for the storage of a firearm pursuant to this section.*

7. *As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).*

Sec. 3. NRS 200.485 is hereby amended to read as follows:

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

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

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

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

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

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

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

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

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

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

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

↪ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of

sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

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

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

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

9. *In every judgment of conviction issued pursuant to this section, the court shall:*

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

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in section 5 of this act.

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

less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

11. As used in this section:

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

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

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

Sec. 4. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:

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

(b) For any subsequent offense, is guilty of a gross misdemeanor.

2. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.

3. A person who commits the crime of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

4. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

5. ~~[In every]~~ If the court finds that a person convicted of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018 and that the victim has an ongoing, reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction.

6. If the court includes such a finding in a judgment of conviction issued pursuant to this section, the court shall:

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

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in section 5 of this act.

~~{6-}~~ 7. A person who violates any provision included in a judgment of conviction issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction a statement that a violation of such a provision in the judgment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

~~{7-}~~ 8. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~{6-8-}~~ 9. As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

(c) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

(e) ~~["Provider of Internet service" has the meaning ascribed to it in NRS 205.4758.~~

~~—(f)~~ "Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

~~{(g)}~~ (f) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper,

periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 5. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person is prohibited from owning, possessing or having under his or her custody or control a firearm pursuant to NRS 202.360, the court in which the person is convicted shall order the person to surrender any firearm that the person owns or that is in his or her possession or under his or her custody or control to a designated law enforcement agency or a licensed firearm dealer, and the person shall, not later than 24 hours after service of the order:*

(a) Surrender any firearm that the person owns or that is in his or her possession or under his or her custody or control to the appropriate local law enforcement agency designated by the court in the order;

(b) Sell or transfer any firearm that the person owns or that is in his or her possession or under his or her custody or control to a licensed firearm dealer;
or

(c) Submit an affidavit:

(1) Informing the court that he or she currently does not own or have any firearm in his or her possession or under his or her custody or control; and

(2) Acknowledging that failure to surrender, sell or transfer any firearm that he or she owns or has in his or her possession or under his or her custody or control is a violation of the order and state law.

2. *If the court orders a person to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the person with a receipt which includes a description of each firearm surrendered and the person shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the receipt to the court.*

3. *If a person sells or transfers any firearm to a licensed firearm dealer pursuant to paragraph (b) of subsection 1:*

(a) The licensed firearm dealer shall provide the person with a receipt which includes a description of each firearm sold or transferred; and

(b) The person shall, not later than 72 hours or 1 business day, whichever is later, after such sale or transfer, provide the receipt to the court and the appropriate local law enforcement agency.

4. *If there is probable cause to believe that the person has not surrendered, sold or transferred any firearm that the person owns or in the person's possession or under the person's custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter*

and search any place where there is probable cause to believe any firearm is located and seize the firearm.

5. A local law enforcement agency may charge and collect a fee from the person for the collection of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

6. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 6. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[-]~~, and section 5 of this act:

1. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

3. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

4. "Motor vehicle" means every vehicle that is self-propelled.

Sec. 7. NRS 202.360 is hereby amended to read as follows:

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

(a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33); ~~for a crime which constitutes domestic violence pursuant to NRS 33.019 or a law of any other state that prohibits the same or substantially similar conduct;~~

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

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct ~~[-]~~ and the court entered a finding on the judgment of conviction pursuant to subsection 5 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to an extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm, or an equivalent order in any other state;

(e) Is a fugitive from justice;

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

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

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

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

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

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

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

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

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

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

3. As used in this section:

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

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

Sec. 8. 1. The provisions of NRS 33.031 and 33.033, as amended by sections 1 and 2 of this act, apply to an extended order issued pursuant to NRS 33.030 on or after October 1, 2017.

2. The provisions of NRS 200.485 and 200.575, as amended by sections 3 and 4 of this act, apply to a judgment of conviction issued on or after October 1, 2017.

3. The provisions of ~~paragraphs (a) and~~ paragraph (c) of subsection 1 of NRS 202.360, as amended by section 7 of this act, apply to a judgment of conviction issued on or after October 1, 2017.

4. The provisions of paragraph (d) of subsection 1 of NRS 202.360, as amended by section 7 of this act, apply to an extended order issued pursuant to NRS 33.030 on or after October 1, 2017.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 567 to Senate Bill No. 124 adds a person convicted of stalking to the list of persons prohibited from owning, possessing or having under his or her control or custody a firearm if a court has included a finding with the conviction indicating that the victim has an ongoing, reasonable fear of physical harm by the convicted person and the convicted person has a relationship with the victim that makes the stalking an act of domestic violence.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 131.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 131 requires a retail community pharmacy that dispenses a drug to notify the person to whom the drug is dispensed of the availability of a prescription reader, and upon request, provide to that person a prescription reader or directions or advice on obtaining a prescription reader.

Roll call on Senate Bill No. 131:

YEAS—21.

NAYS—None.

Senate Bill No. 131 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 169.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 169 requires each law enforcement agency in the State to establish a program to track sexual assault forensic evidence (SAFE) kits; allows the agencies to contract with appropriate entities to create and manage the tracking program, and sets forth specific requirements the tracking program must meet. Additionally, the bill requires that SAFE kits be submitted to forensic laboratories for testing within 30 days of receipt and that, upon the request of a victim, laboratories must conduct tests within 180 days of receiving a kit. Forensic laboratories are also required to report statistics annually to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and to the Legislature, including the number of untested kits that have been in their possession for over one year.

The bill also expands the prohibition on public disclosure of the identity of sexual assault victims to include victims of employees, contractors or volunteers of various child welfare and juvenile justice agencies. A person who is 25 years of age or older who is in a position of authority with one of these entities as an employee, contractor or volunteer and who engages in sexual conduct with a person between 16 and 18 years of age with whom they have direct contact related to their duties is guilty of a category C felony. Persons who are married to each other and who engage in such sexual conduct are exempted from these provisions.

Roll call on Senate Bill No. 169:

YEAS—21.

NAYS—None.

Senate Bill No. 169 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 175.

Bill read third time.

The following amendment was proposed by Senator Hammond:

Amendment No. 607.

SUMMARY—Designates ~~November 12~~ May 18 as Asian Culture Day in Nevada. (BDR 19-74)

AN ACT relating to days of observance; authorizing and requesting the Governor annually to proclaim ~~November 12~~ May 18 to be "Asian Culture Day" in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (NRS 236.018-236.085) This bill authorizes and requests the Governor to annually proclaim ~~November 12~~ May 18 to be "Asian Culture Day" in the State of Nevada.

WHEREAS, Asians and Asian-Americans were instrumental to the settlement and early development of the State of Nevada; and

WHEREAS, The culture and cultural traditions shared by Asians and Asian-Americans in this State, which consist of a diverse range of cultures and traditions from across Asia, have enriched the lives of all of the residents of this State; and

WHEREAS, Within the State of Nevada, Asian and Asian-American communities continue to make important contributions to the cultural, religious, political and business environment of the State; and

WHEREAS, There are over 17,500 businesses owned by Asians and Asian-Americans within the State, adding to the rich diversity of the cities and counties of this State; and

WHEREAS, The State of Nevada desires to recognize the many contributions of Asians and Asian-Americans to the prosperity and cultural diversity of the State of Nevada and the United States of America; now, therefore,

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Governor shall annually proclaim ~~November 12~~ May 18 to be "Asian Culture Day" in the State of Nevada.*

2. *The proclamation must call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of Nevada residents the important contributions of Asians and Asian-Americans to the State of Nevada and the United States of America.*

Sec. 2. This act becomes effective upon passage and approval.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 607 to Senate Bill No. 175 removes the date of November 12th and replaces it with May 18th.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 182.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 182 authorizes a sheriff to charge and collect the same \$21 fee that a constable is entitled to collect for each service in a summary eviction, except service of any notice required by law before commencement of the proceeding and for serving notice of and executing a writ of restitution. The bill further authorizes a constable to collect the same \$2 fee that a sheriff is entitled to collect for mailing a notice of a writ of execution. Finally, the bill prohibits a deputy constable from being a bail agent, bail enforcement agent or bail solicitor.

Roll call on Senate Bill No. 182:

YEAS—21.

NAYS—None.

Senate Bill No. 182 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 204.

Bill read third time.

Remarks by Senator Atkinson.

Senate Bill No. 204 requires the Public Utilities Commission of Nevada (PUCN) to investigate and determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy-storage systems by an electric utility. In making this determination, the PUCN must consider whether energy-storage systems will achieve certain purposes. The measure further provides that, in measuring the benefits and costs of energy-storage systems, the PUCN be required to consider all known and measurable benefits and costs. If the PUCN determines the benefits of the procurement of energy-storage systems exceed the costs, the PUCN must establish by regulation biennial targets for the procurement of energy-storage systems by an electric utility.

Roll call on Senate Bill No. 204:

YEAS—21.

NAYS—None.

Senate Bill No. 204 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 209.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 209 eliminates the requirement that an insurer who provides industrial insurance maintain an office in the state that is operated by the insurer or its third-party administrator and authorizes an insurer to process industrial insurance claims filed in Nevada at an office located outside of the State.

Such persons located outside of Nevada must be accessible to an employer and his or her employees who are located in Nevada. The bill allows a Commission of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus line brokers and fee brokers if the Commission deems an independent audit to be the best interest of the residents of Nevada. The Commissioner may adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner, for consultation or related advice on the purchase of individual or group life or health insurance for an individual or group annuity.

Finally, an employee or authorized representative of a vendor may receive compensation from the vendor for selling or offering coverage under a policy of portable electronic insurance. The bill repeals the law authorizing the Commission with the approval of the State Board of Examiners

to enter into a multi-state agreement to preserve the ability of the State to collect rooming taxes on multi-state risks.

Roll call on Senate Bill No. 209:

YEAS—21.

NAYS—None.

Senate Bill No. 209 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250.

Bill read third time.

Remarks by Senators Denis, Atkinson and Settelmeyer.

SENATOR DENIS:

Senate Bill No. 250 repeals the requirement that constables hired in certain townships be certified by the Peace Officers' Standards and Training (POST) Commission as a category II peace officer. The bill requires a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is 220,000 or more to complete certain certification or training programs before he or she declares or accepts candidacy for the office or accepts appointment to the office. Finally, the bill removes the requirements that the chief of police of the city authorize and consent to a constable's power as a peace officer when the constable is acting in an incorporated city, and the sheriff of the county authorize and consent to a constable's power as a peace officer when the constable is acting in an area that is not within the limits of an incorporated city.

SENATOR ATKINSON:

Does this relax the requirement that a constable should have POST certification? Does it take that out of the equation? Is it still in, or are we relaxing some of the law for the office?

SENATOR DENIS:

The law was recently changed, and it was not required previously. What this does is removes that in the first part of the bill and says anyone in the future who is seeking appointment for office would have to have some sort of certification.

SENATOR ATKINSON:

If we previously did not require this and now we do require it, how does this impact those already in positions.

SENATOR DENIS:

Those currently serving would not have to complete it if they had not already done so.

SENATOR SETTELMAYER:

This only affects one county. It does not affect Senate Districts 14, 15 or 17, but it does affect the others. The bill says it applies upon candidacy. By changing this to upon candidacy, a person who is in the job now when seeking reelection or reappointment would have to fulfill the requirements; is that true? Is there a problem in your county with this, or how did this come about?

SENATOR DENIS:

We changed the law recently, and this changes it back to the way it was so when a person is elected they know in advance what is required.

SENATOR SETTELMAYER:

The rural counties have Justices of the Peace and are allowed to apply, be elected and then fulfill the requirements after election. This bill indicates they have to fulfill the requirements upon candidacy, is that correct?

SENATOR DENIS:
That is correct.

Roll call on Senate Bill No. 250:

YEAS—15.

NAYS—Atkinson, Gustavson, Hammond, Kieckhefer, Roberson, Settelmeyer—6.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 252.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 252 authorizes the Nevada Interscholastic Activities Association to, by regulation, allow a student who is enrolled in a charter, private, parochial or public school to participate in a sanctioned sport or other interscholastic event at another public school. To be eligible to participate in an event at another school, a student's school must enroll not more than 30 students collectively in grades 9 through 12; the student must reside in the school district or zone of attendance of the public school offering the event; the event must not be offered at the student's school, and the board of trustees of the school district must provide approval.

Roll call on Senate Bill No. 252:

YEAS—21.

NAYS—None.

Senate Bill No. 252 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 274.

Bill read third time.

Remarks by Senators Farley, Hardy and Hammond.

SENATOR FARLEY:

Senate Bill No. 274 makes various changes to sibling visitation in child-welfare cases involving certain children who are placed with someone other than a parent and separate from their siblings. Specifically, the bill requires a child-welfare agency to update a child's sibling-visitation plan to reflect any change in the placement of the child or his or her siblings; requires the court to provide any sibling granted a right to visitation with notice of a hearing to review the placement of the child and the case number of relevant proceedings and allow the sibling to inspect records to petition the court for visitation or enforce an order for visitation; revises various provisions concerning agreements for post-adoptive contact between a natural parent and a child or the adoptive parents of the child, and requires the court to incorporate a sibling-visitation order in the decree of adoption, unless a petition to exclude or amend the order or visitation is filed.

SENATOR HARDY:

I rise in support of Senate Bill No. 274. I recognize we have had challenges in trying to figure out this whole problem, and I do not have the final solution, but I think this gets us down the road and is as good as we can get. I appreciate the people who have been so patient with that process.

SENATOR HAMMOND:

There is a problem, and it is difficult to find a solution for it, especially at this late hour. The greater good is accomplished by this bill and I will be in support of it as well.

Roll call on Senate Bill No. 274:

YEAS—21.

NAYS—None.

Senate Bill No. 274 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 305.

Bill read third time.

Remarks by Senators Ratti and Hammond.

SENATOR RATTI:

Senate Bill No. 305 requires the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child-protection proceedings and in proceedings to terminate parental rights. A child is deemed to be a party to such proceedings. This also enables a county commission to increase the recording fee from \$3 to \$6 to support this program. What we know is that best practices, recent case law and new guidelines from the U.S. Department of Health and Human Services all agree that children have a constitutional due-process right to counsel in foster-care cases. Currently, only some children in Nevada are receiving this counsel, and it is subject to a judge's discretion. The good news is that in Clark County, we are up to 87 percent of children, and in Washoe County, we are at 50 percent of children. In the rural counties, there are a wide variety; in some areas, there are almost 100 percent receiving access to counsel and some that have low rates because it is up to the discretion of the judge.

This bill requires that all children have an attorney in the 432B foster-care case and in any related 128 termination of parental rights. These attorneys give children a voice as an advocate, and help them navigate one of the hardest and most confusing times of their lives. It is important to know these changes would bring Nevada in line with the best practices and the national norms. Thirty other states have solidified this right to counsel, 13 have a qualified right and 7, including Nevada, only have a discretionary right. The results of this bill will be that children's voices are heard; we protect them from unnecessary removals from the home; we help them succeed in school; we ensure they have access to medical and dental care and monitor and assure appropriate use of psychotropic medication, and ensure those who have to testify in court are protected. We are prepared to share examples of each of these positive outcomes if you would like to know more. Four young people who recently aged-out of foster care shared their powerful stories with us in Committee, and they all spoke to the amazing difference their appointed counsel made in their lives. I urge you to support Senate Bill No. 305.

SENATOR HAMMOND:

I appreciate the work my colleague from Senate District No.7 has put into this bill. I am not in support of this bill because in the last Legislative Session, we passed Senate Bill 394, which allowed the court to appoint counsel as a guardian *ad litem* and this bill would reverse that; they would not be able to be paid as a guardian *ad litem* as counsel. I want there to be discretion for a court to then appoint someone who may not be able to speak and discuss their wants but be able to appoint someone who will represent their best interests of the child. For that reason, I cannot support this bill.

Roll call on Senate Bill No. 305:

YEAS—13.

NAYS—Ford, Goicoechea, Gustavson, Hammond, Hardy, Kieckhefer, Roberson, Settlemeyer—8.

Senate Bill No. 305 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that the action whereby Senate Bill No. 305 was passed be reconsidered.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 305.

Bill read third time.

Remarks by Senators Hardy, Ratti and Hammond.

SENATOR HARDY:

I have same the feelings as my colleague regarding the *ad litem* guardian. Why could this not be an attorney as well or have two attorneys doing what attorneys do, argue with each other?

SENATOR RATTI:

The amended version of the bill does not prohibit the court from appointing a guardian *ad litem* and counsel, they can have both at the same time. What the bill does prohibit is the same attorney serving as both a guardian *ad litem* and counsel for the same child.

SENATOR HAMMOND:

I do not mind that there is someone appointed to represent the child as counsel, what I want to make sure is in the bill is that counsel could be a guardian *ad litem* that was an attorney and being paid. This allows the judge the discretion as to whether that counsel should be a guardian *ad litem* or a cap attorney.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 8:41 p.m.

SENATE IN SESSION

At 8:45 p.m.

President Hutchison presiding.

Quorum present.

SENATOR HARDY:

There are questions that are not resolved and the other house will work on this. I will be switching my vote.

Roll call on Senate Bill No. 305:

YEAS—17.

NAYS—Goicoechea, Gustavson, Hammond, Kieckhefer—4.

Senate Bill No. 305 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 338.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 338 changes the term "prime contractor" to "original contractor" and increases the statute of limitations on commencing an action against an original contractor from one to

two years. The bill also deletes statutory provisions that include "laborer" within the definition of "lien claimant" and provides that a potential claimant is a lien claimant.

Language regarding notification requirements that apply to a prime contractor or subcontractor who participates in a health or welfare fund as related to potential lien rights is also deleted, and the bill creates new notification requirements and penalties that a potential claimant must provide to an original contractor or subcontractor. The bill requires an original contractor to be liable for the indebtedness for labor incurred by a subcontractor or other contractor and repeals existing provisions that impose a duty-of-delinquency notification on the administrator of a Taft-Hartley Trust.

Roll call on Senate Bill No. 338:

YEAS—21.

NAYS—None.

Senate Bill No. 338 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 339.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 339 extends the manufacturer date of the vehicle to qualify for what's known as the "vintage license plate," from not later than 1942 to not later than 1961. Vintage license plates, similar to what I am holding, are only for a car that was made in that particular year.

Currently, if you had a 1919 car, you could get a plate that was same circa as it was originally issued in 1919. This bill extends that to 1961. There are a lot of people who have cars from the 50's that are interested in this plate.

Roll call on Senate Bill No. 339:

YEAS—21.

NAYS—None.

Senate Bill No. 339 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408.

Bill read third time.

Remarks by Senators Parks and Hardy.

SENATOR PARKS:

Senate Bill No. 408 prohibits a health-care provider from performing or assisting in the performance of any surgical procedure to assign the sex of a child unless the provider or another qualified professional has first conducted an assessment of the child to ensure the child understands the nature and risks of the procedure and assents to the procedure. An exception is provided if the provider of health care determines that delaying the procedure is likely to endanger the life of the child. If the child has not been emancipated, the provider must obtain the consent of the parents or guardians of the child.

An occupational licensing board may take disciplinary action against a physician, physician assistant or nurse who violates the provisions of the bill. The Division of Public and Behavioral Health, Department of Health and Human Services, may deny an application for a license as a medical facility or suspend or revoke the license of a medical facility for aiding, abetting or permitting a provider of health care to violate those provisions.

SENATOR HARDY:

As a physician, this is the advice I give to parents: you are not deciding their gender; you are avoiding infections, preventing testicular cancer, allowing normal voiding behaviors and you are allowing surgery when tissues are more amenable to repairs. You can tell what their chromosomal things are in the vast majority of cases, and you have consulted geneticists and other doctors before any decision and have even prayed for the best interest of the child. I am opposed to this bill.

Roll call on Senate Bill No. 408:

YEAS—11.

NAYS—Denis, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 408 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 410 provides that the punishment for engaging in certain unauthorized speed contests or reckless driving which proximately cause the death of or substantial bodily harm to another person is a category B felony punishable by imprisonment for 1 to 6 years and by a fine of \$2,000 to \$5,000.

Roll call on Senate Bill No. 410:

YEAS—21.

NAYS—None.

Senate Bill No. 410 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 411.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 411 provides that the release of a feral cat that has been caught to vaccinate, spay or neuter and released back to the location where the feral cat was caught does not constitute abandonment.

Roll call on Senate Bill No. 411:

YEAS—21.

NAYS—None.

Senate Bill No. 411 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 413.

Bill read third time.

Remarks by Senators Cannizzaro and Goicoechea.

SENATOR CANNIZZARO:

Senate Bill No. 413 establishes the last Saturday in September of each year as "Public Lands Day" and requires the Governor to issue annually a proclamation encouraging its observance and

recognizing the importance, uniqueness and value of public lands in this State. One of the reasons I am proud to have brought this bill to you is that I grew up in Las Vegas and have spent most of my life making this same argument, which is that in the State of Nevada, we have beautiful lands and wonderful access to the outdoors that most people do not recognize unless you live in this wonderful State. This weekend we had the opportunity to tour some potential new State parks in the more rural parts of Nevada, and I was again reminded of why I am a proud Nevadan and why I have always been honored to make the argument to people who are not from this State that Nevada is a wonderful place to live and to visit and raise a family. I am proud I have spent my life in this State. This bill also recognizes that tourism is an important part of our economy and encourages people to come and celebrate with us and experience our public lands. I urge you to vote yes for this piece of legislation; it is an important one.

SENATOR GOICOECHEA:

While I am supportive of Public Lands Day, and I am very familiar with the public lands and do enjoy them. Some of the "whereas" in the bill give me pause. I am going to vote against it and hope they can clean it up a bit on the other side.

Roll call on Senate Bill No. 413:

YEAS—18.

NAYS—Goicoechea, Gustavson, Settlemeyer—3.

Senate Bill No. 413 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 416.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 416 authorizes a medical-marijuana establishment, an association of medical-marijuana establishments or a joint committee consisting of representatives of one or more medical-marijuana establishments and a labor organization to propose and enter into an agreement to carry out an apprenticeship program for medical-marijuana establishment agents.

Roll call on Senate Bill No. 416:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settlemeyer—9.

Senate Bill No. 416 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464.

Bill read third time.

Remarks by Senators Parks and Roberson.

SENATOR PARKS:

Senate Bill No. 464 authorizes the Las Vegas Convention and Visitors Authority to require a bidder, contractor or subcontractor to enter into and adhere to a project labor agreement in regard to the project to renovate or expand the convention center, which is authorized by Senate Bill 1 of the 30th Special Session.

SENATOR ROBERSON:

I rise in opposition to Senate Bill No. 464. This is a repeal of important reform legislation regarding PLAs that was passed during the last Session, and more importantly, it undercuts the

concept of right-to-work here in Nevada because it tells non-union contractors they cannot hire their own employees—maybe seven of them, but not more. They will be forced to go out and hire other people who are not in their company. Many of these folks travel from state to state and are not even Nevadans. This hurts Nevada workers, and it hurts companies that have employees, long-standing employees. This bill tells those companies their employees cannot work on that project. I oppose this bill.

Roll call on Senate Bill No. 464:

YEAS—11.

NAYS—Farley, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 464 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 477 requires that in any ordinance adopted by a city or county, the definition of the term "single-family residence" must include: a residential facility for groups in which more than 2 and fewer than 11 persons with disabilities reside with house parents; a home for individual residential care, and a halfway house for recovering alcohol and drug abusers in which fewer than 11 persons reside. A residential facility for groups must be equipped with a residential fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

Roll call on Senate Bill No. 477:

YEAS—21.

NAYS—None.

Senate Bill No. 477 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 492.

Bill read third time.

Remarks by Senators Cannizzaro and Settelmeyer.

SENATOR CANNIZZARO:

Senate Bill No. 492 authorizes a county election officer to establish one or more polling places where any person entitled to vote in the county by personal appearance may do so on election day. This practice is often referred to as "vote center" style of voting and is used currently during early voting. The bill requires that the locations of vote-center polling places be published in a newspaper during the week before the election and posted on any bulletin board used for public notices. In addition, S.B. No. 492 provides for the establishment of a new or relocated vote center after this initial publication in the event of an emergency and with the approval of the Secretary of State.

The measure sets forth the procedure by which a voter shall cast a ballot at a vote-center location, including signing the election roster or a signature card, verifying his or her signature and confirming that the voter has not already voted in the current election in that county. The measure also provides a process whereby a voter's identity can be determined if his or her signature does not match the roster or signature card. Finally, S.B. No. 492 gives a county or city election officer the option to establish an early-voting location in certain residential developments for elderly persons in lieu of an election day polling place.

SENATOR SETTELMAYER:

I had some concerns with the concept of vote centers, and this goes back to a previous Session. After seeing the distribution of vote centers from Clark County, it was obvious there were a total of only 10 districts that had vote centers with them, of the 16 that reside in Clark County, but there were 2 vote centers in District 3, 2 in District 10 and 2 in District 11. I am a little worried about the distribution of these vote centers; therefore, I am opposing this bill.

Roll call on Senate Bill No. 492:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Senate Bill No. 492 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Spearman moved that Senate Bill No. 146 be taken from the Secretary's desk and placed on the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 19.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 19 requires the Department of Veterans Services to submit to the Interagency Council on Veterans Affairs certain statistical information concerning veterans services and requires that certain regulatory bodies collect and report to the Interagency Council statistical information concerning the number of veterans and service members who have applied for, have been issued or have been denied a license. The measure reduces from annually to biennially the frequency with which the Interagency Council must submit to the Governor and the Legislative Commission a report of its activities, including the statistical information required to be provided by various State agencies and regulatory bodies.

Finally, the bill changes from annually to biennially the frequency with which certain reports of activities must be submitted by the Nevada Veterans Services Commission and the Women Veterans Advisory Committee; provides that both reports must be submitted to the Governor, the Interagency Council and the Legislative Commission, and changes the deadline by which the Nevada Veterans Services Commission must submit its report to coincide with the reporting deadline for the Interagency Council and the Advisory Committee.

Roll call on Assembly Bill No. 19:

Yeas—21.

Nays—None.

Assembly Bill No. 19 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 101.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 608.

SUMMARY—Restricts the authority to administer ~~botulinum toxin~~ neuromodulators derived from *Clostridium botulinum* and dermal and soft tissue fillers to certain medical professionals. (BDR 40-677)

AN ACT relating to professions; prohibiting the ~~administration~~ injection of ~~botulinum toxin~~ neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers by certain persons and under certain conditions; authorizing the imposition of professional discipline against persons who violate such a prohibition; requiring certain persons to receive training before ~~administering botulinum toxin~~ injecting neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators or dermal or soft tissue fillers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a medical assistant who is directed and supervised by a physician or physician assistant or a licensed dental hygienist who is directed and supervised by a dentist to possess and administer dangerous drugs under certain circumstances. (NRS 454.213) Existing law further requires the Board of Medical Examiners to adopt regulations governing the administration of botulinum toxin, commonly known as Botox, by a medical assistant or any person under the jurisdiction of the Board. (NRS 630.047, 630.138)

This bill : (1) replaces the term "botulinum toxin" with references to neuromodulators derived from *Clostridium botulinum* or that are biosimilar to or the bioequivalent of such neuromodulators; and (2) revises provisions governing the ~~administration~~ injection of ~~botulinum toxin~~ such neuromodulators and dermal or soft tissue fillers. Section 2 of this bill removes the requirement for the Board of Medical Examiners to adopt regulations governing the administration of botulinum toxin by a medical assistant. Instead, sections 1 and 1.8 of this bill prohibit: (1) any person other than a physician, physician assistant, dentist, registered nurse, advanced practice registered nurse or podiatric physician who has received training prescribed by his or her licensing board from ~~administering botulinum toxin~~ injecting a neuromodulator derived from *Clostridium botulinum*, a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or dermal or soft tissue fillers; (2) such persons from delegating ~~the administration of botulinum toxin or dermal or soft tissue fillers~~ such injection to an unauthorized person; and (3) any person from ~~administering botulinum toxin~~ injecting a neuromodulator derived from *Clostridium botulinum*, a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or dermal or soft tissue fillers outside his or her scope of practice or in a location other than a medical facility or the office of an authorized medical professional. Sections 1.3, 4 and 6.6 of this bill make conforming changes to clarify that unauthorized medical professionals are prohibited from ~~administering botulinum toxin~~ injecting such

neuromodulators and dermal or soft tissue fillers. Sections 1.9, 3.3, 6.4, 6.9 and 7.2 of this bill require the Board of Medical Examiners, Board of Dental Examiners of Nevada, State Board of Nursing, State Board of Osteopathic Medicine and State Board of Podiatry, respectively, to prescribe training for physicians and physician assistants, dentists, registered nurses, advanced practice registered nurses, osteopathic physicians and physician assistants and podiatric physicians, as applicable, who wish to ~~administer botulinum toxin~~ inject such neuromodulators or dermal or soft tissue fillers.

Existing law generally provides that a violation of the provisions of law governing dangerous drugs is a misdemeanor and grounds for the suspension or revocation of certain professional licenses. (NRS 454.356, 454.361) Existing law further provides that a person who violates a provision of law governing dangerous drugs by using a minor as an agent or who illegally provides a dangerous drug to a minor is guilty of a category B felony. (NRS 454.306) Sections 1.4-1.6 of this bill make these provisions applicable to the unauthorized ~~administration~~ injection of or delegation of the ~~administration~~ injection of ~~botulinum toxin~~ a neuromodulator derived from *Clostridium botulinum* or a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator. Section 1.8 of this bill similarly makes the unauthorized ~~administration~~ injection of or delegation of the ~~administration~~ injection of dermal or soft tissue fillers a misdemeanor. Sections 3, 6, 6.8, 7, 7.5 and 7.8 of this bill authorize the Board of Medical Examiners, Board of Dental Examiners of Nevada, State Board of Nursing, State Board of Osteopathic Medicine, State Board of Podiatry and State Board of Cosmetology to impose disciplinary action against licensees who violate prohibitions on the unauthorized ~~administration~~ injection of or delegation of the ~~administration~~ injection of ~~botulinum toxin~~ a neuromodulator derived from *Clostridium botulinum* or a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or dermal or soft tissue fillers.

Section 1.2 of this bill updates the definition of the term "dangerous drug" to reflect the current terminology used in federal regulations.

WHEREAS, ~~Botulinum toxin, commonly known as Botox, is~~ Neuromodulators derived from *Clostridium botulinum* or that are biosimilar to or the bioequivalent of such neuromodulators are considered ~~a~~ dangerous ~~drug~~ drugs in this State; and

WHEREAS, Only certain medical professionals are authorized under the law of this State to administer dangerous drugs; and

WHEREAS, The improper ~~administration~~ injection of ~~botulinum toxin~~ neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers can cause significant harmful side effects; and

WHEREAS, Persons who lack the necessary training or proper credentials are currently not restricted from ~~administering botulinum toxin~~ injecting neuromodulators derived from *Clostridium botulinum*, neuromodulators that

are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers in this State; and

WHEREAS, To promote the health, safety and welfare of the residents of this State, it is the intent of the Legislature to clearly define the persons who are authorized to ~~administer botulinum toxin~~ inject neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers, and the conditions under which such ~~administration~~ injections may occur; now, therefore,

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not ~~administer botulinum toxin~~ inject a neuromodulator that is derived from *Clostridium botulinum* or is biosimilar to or the bioequivalent of such a neuromodulator:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS who has successfully completed the training prescribed by the Board of Medical Examiners pursuant to section 1.9 of this act;

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to section 3.3 of this act;

(3) A registered nurse or advanced practice registered nurse who has successfully completed the training prescribed by the State Board of Nursing pursuant to section 6.4 of this act;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS who has successfully completed the training prescribed by the State Board of Osteopathic Medicine pursuant to 6.9 of this act; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to section 7.2 of this act.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility, as defined in NRS 449.0151, or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. A person who is authorized by subsection 1 to ~~administer botulinum toxin~~ inject a neuromodulator described in that subsection shall not delegate such ~~administration~~ injection to a person who is prohibited by subsection 1 from ~~administering botulinum toxin~~ injecting such a neuromodulator.

Sec. 1.1. NRS 454.181 is hereby amended to read as follows:

454.181 Definitions of words and terms in NRS 454.00922, 454.191, 454.201 and 454.211 apply only to NRS 454.181 to 454.371, inclusive ~~[-]~~, and section 1 of this act.

Sec. 1.15. NRS 454.191 is hereby amended to read as follows:

454.191 "Administer" means the direct application of a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, *and section 1 of this act*, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject.

Sec. 1.2. NRS 454.201 is hereby amended to read as follows:

454.201 "Dangerous drug" means any drug, other than a controlled substance, unsafe for self-medication or unsupervised use, and includes the following:

1. Any drug which has been approved by the Food and Drug Administration for general distribution and bears the legend ~~{: "Caution: Federal law prohibits dispensing without prescription";}~~ "Rx only";

2. Procaine hydrochloride with preservatives and stabilizers (Gerovital H3) in injectable doses and amygdalin (laetrile) which have been licensed by the State Board of Health for manufacture in this State but have not been approved as drugs by the Food and Drug Administration; or

3. Any drug which, pursuant to the Board's regulations, may be sold only by prescription because the Board has found those drugs to be dangerous to public health or safety.

Sec. 1.3. NRS 454.213 is hereby amended to read as follows:

454.213 1. ~~{A}~~ *Except as otherwise provided in section 1 of this act*, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, *and section 1 of this act* may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing.

As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➡ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(o) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(p) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(q) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(r) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(s) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(t) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

(u) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(v) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 1.4. NRS 454.306 is hereby amended to read as follows:

454.306 A person who violates any provision of NRS 454.181 to 454.371, inclusive, *and section 1 of this act* by use of a minor as an agent or by unlawfully furnishing any dangerous drug to a minor is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, or by a fine of not more than \$20,000, or by both fine and imprisonment.

Sec. 1.5. NRS 454.356 is hereby amended to read as follows:

454.356 Except as otherwise specifically provided, every person who violates any provision of NRS 454.181 to 454.371, inclusive, *and section 1 of this act* is guilty of a misdemeanor.

Sec. 1.6. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, *and section 1 of this act* constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS.

Sec. 1.7. NRS 454.366 is hereby amended to read as follows:

454.366 The Board shall administer and enforce NRS 454.181 to 454.371, inclusive ~~[-]~~, *and section 1 of this act*.

Sec. 1.8. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not ~~administer~~ inject dermal or soft tissue fillers:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS who has successfully completed the training prescribed by the Board of Medical Examiners pursuant to section 1.9 of this act;

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to section 3.3 of this act;

(3) A registered nurse or advanced practice registered nurse who has successfully completed the training prescribed by the State Board of Nursing pursuant to section 6.4 of this act;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS who has successfully completed the training prescribed by the State Board of Osteopathic Medicine pursuant to 6.9 of this act; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to section 7.2 of this act.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. A person who is authorized by subsection 1 to ~~administer~~ inject dermal or soft tissue fillers shall not delegate such ~~administration~~ injection

to a person who is prohibited by subsection 1 from ~~administering~~ injecting dermal or soft tissue fillers.

3. A person who violates any provision of this section is guilty of a misdemeanor.

4. As used in this section, "dermal or soft tissue filler" means a material that is injected into the skin to fill in wrinkles or into the soft tissue to alter the contour of the soft tissue.

Sec. 1.9. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall adopt regulations prescribing the training that a physician or physician assistant must receive before ~~administering botulinum toxin or dermal~~ injecting:

(a) A neuromodulator that is derived from Clostridium botulinum;

(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or

(c) Dermal or soft tissue fillers.

2. A physician or physician assistant who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.

3. As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.

Sec. 2. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~is~~

~~1. May~~ may adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

~~{2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:~~

~~—(a) The qualifications and training required for administration; and~~

~~—(b) The manner and place of administration.}~~

Sec. 3. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a regulation adopted by the State Board of Pharmacy.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Habitual intoxication from alcohol or dependency on controlled substances.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not

approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) *Failure to comply with the provisions of section 1 or 1.8 of this act.*

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 3.3. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall adopt regulations prescribing the training that a dentist must receive before ~~administering botulinum toxin or dermal~~ injecting:*

(a) A neuromodulator that is derived from Clostridium botulinum;

(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or

(c) Dermal or soft tissue fillers.

2. *A dentist who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.*

3. *As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.*

Sec. 4. NRS 631.313 is hereby amended to read as follows:

631.313 1. ~~{A}~~ *Except as otherwise provided in sections 1 and 1.8 of this act, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.*

2. *The performance of these tasks must be:*

(a) *If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.*

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered: and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient; 6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. *Failure to comply with the provisions of section 1 or 1.8 of this act;*

8. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

~~{8.}~~ 9. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

~~{9.}~~ 10. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~{10.}~~ 11. Failure to comply with the provisions of NRS 453.163 or 453.164;

~~{11.}~~ 12. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

~~{12.}~~ 13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 6.2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.4 of this act.

Sec. 6.3. *"Dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.*

Sec. 6.4. 1. *The Board shall adopt regulations prescribing the training that a registered nurse or advanced practice registered nurse must receive before ~~administering botulinum toxin or dermal~~ injecting:*

(a) A neuromodulator that is derived from *Clostridium botulinum*;

(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or

(c) Dermal or soft tissue fillers.

2. *A registered nurse or advanced practice registered nurse who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.*

Sec. 6.5. NRS 632.010 is hereby amended to read as follows:

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, *and section 6.3 of this act* have the meanings ascribed to them in those sections.

Sec. 6.6. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the

supervision of an advanced practice registered nurse or a registered nurse and in accordance with standard protocols developed by the Board.

2. Except as otherwise provided by subsection 4, a medication aide - certified may only administer authorized medications by the following methods:

- (a) Orally;
- (b) Topically;
- (c) By the use of drops in the eye, ear or nose;
- (d) Vaginally;
- (e) Rectally;
- (f) Transdermally; and
- (g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication aide - certified shall not:

- (a) Receive, have access to or administer any controlled substance;
- (b) Administer parenteral or enteral medications;
- (c) Administer any substances by nasogastric or gastrostomy tubes;
- (d) Calculate drug dosages;
- (e) Destroy medication;
- (f) Receive orders, either in writing or verbally, for new or changed medication;
- (g) Transcribe orders from medical records;
- (h) Order or administer initial medications;
- (i) Evaluate reports of medication errors;
- (j) Perform treatments;
- (k) Conduct patient assessments or evaluations;
- (l) Engage in teaching activities for patients; ~~or~~
- (m) ~~Administer botulinum toxin or~~ Inject a neuromodulator that is derived from Clostridium botulinum or a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator;
- ~~(n) Inject a dermal or soft tissue filler; or~~
- ~~(n) (o)~~ Engage in any activity prohibited pursuant to subsection 4.

4. ~~The~~ Except as otherwise provided in this subsection, the Board may adopt regulations authorizing or prohibiting any additional activities of a medication aide - certified. ~~The Board shall not adopt regulations authorizing a medication aide - certified to administer botulinum toxin or a dermal or soft tissue filler.~~ perform the tasks described in paragraph (m) or (n) of subsection 3.

5. As used in this section, "supervision" means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

Sec. 6.8. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other

disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➔ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) *Has violated the provisions of section 1 or 1.8 of this act.*

(r) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

~~{(r)}~~ (s) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163 or 453.164.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6.9. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall adopt regulations prescribing the training that an osteopathic physician or physician assistant must receive before*
~~*administering botulinum toxin or dermal*~~ *injecting:*

- (a) A neuromodulator that is derived from *Clostridium botulinum*;
- (b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or
- (c) Dermal or soft tissue fillers.

2. An osteopathic physician or physician assistant who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.

3. As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.

Sec. 7. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

- (a) Unprofessional conduct.
 - (b) Conviction of:
 - (1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
 - (2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;
 - (3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
 - (4) Murder, voluntary manslaughter or mayhem;
 - (5) Any felony involving the use of a firearm or other deadly weapon;
 - (6) Assault with intent to kill or to commit sexual assault or mayhem;
 - (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
 - (8) Abuse or neglect of a child or contributory delinquency; or
 - (9) Any offense involving moral turpitude.
 - (c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.
 - (d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.
 - (e) Professional incompetence.
 - (f) Failure to comply with the requirements of NRS 633.527.
 - (g) Failure to comply with the requirements of subsection 3 of NRS 633.471.
 - (h) Failure to comply with the provisions of NRS 633.694.
 - (i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (1) The license of the facility is suspended or revoked; or
 - (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
- ➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163 or 453.164.

(x) *Failure to comply with the provisions of section 1 or 1.8 of this act.*

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 7.2. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall adopt regulations prescribing the training that a podiatric physician must receive before ~~administering botulinum toxin or dermal~~ injecting:*

(a) A neuromodulator that is derived from Clostridium botulinum;

(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or

(c) Dermal or soft tissue fillers.

2. *A podiatric physician who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.*

3. *As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.*

Sec. 7.5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.

(s) Failure to comply with the provisions of NRS 453.163 and 453.164.

(t) *Failure to comply with the provisions of section 1 or 1.8 of this act.*

Sec. 7.8. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed or registered, as applicable, aesthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics, makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, aesthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644.422 or 644.478.

(h) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license or a duplicate of the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(j) Failure to display the certificate of registration or a duplicate of the certificate of registration as provided in NRS 644.2175.

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(l) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(m) *Failure to comply with the provisions of section 1 or 1.8 of this act.*

(n) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 8. This act becomes effective on July 1, 2017.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 608 to Senate Bill No. 101 removes the proprietary name and puts in the generic names neuromodulators derived from the clostridium botulinum, which is one of the potent poisons in the world. It also clarifies that if it is administered, it is by injection, therefore cleaning it up to be all-inclusive of neuromodulators of which there are at least seven.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 509.

Bill read third time.

The following amendment was proposed by Senator Kieckhefer:

Amendment No. 614.

SUMMARY—Authorizes the imposition of an assessment on the operators of certain ~~[providers of health care]~~ agencies and facilities. (BDR 38-980)

AN ACT relating to Medicaid; authorizing the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on the operators of agencies to provide personal care services in the home and the operators of certain ~~[providers of health care]~~ medical facilities; prescribing the authorized uses of the revenue generated by such an assessment; authorizing the Division to impose an administrative penalty against ~~[a provider of health care who]~~ an operator of an agency to provide personal care services in the home or an operator of a medical facility who does not pay an assessment in a timely manner; authorizing the Division to take certain measures to collect an unpaid assessment or administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program and to adopt a State Plan for Medicaid. (NRS 232.320, 422.063, 422.270) Section 6 of this bill authorizes the Division of Health Care Financing and Policy of the Department to impose an assessment on each ~~[provider of health care]~~ operator of an agency to provide personal care services in the home and each operator of a medical facility that is required to obtain a given type of license. ~~[for certificate.]~~ Section 7 of this bill authorizes the Division to expend the revenue generated from the assessment to: (1) provide increased payments to ~~[providers of health care]~~ operators of agencies to provide personal care in the home and operators of medical facilities for services rendered to recipients of Medicaid; and (2) administer provisions relating to the assessment. Section 8 of this bill authorizes the Division to impose an administrative penalty against ~~[a provider of health care who]~~ an operator of an agency to provide personal care services in the home or an operator of a medical facility who fails to pay an assessment in a timely manner. Section 8 also authorizes the Division, after notifying the ~~[provider of health care]~~ operator, to deduct the amount of an unpaid assessment or administrative penalty from future payments owed to the ~~[provider of health care]~~ operator under the State Plan For Medicaid. Finally, section 8 authorizes the Division to negotiate a payment plan with ~~[a provider of health care]~~ an operator of an agency to provide personal care services in the home or an operator of a medical facility before making such deductions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~4 and~~ to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Account" means the Account to Improve Health Care Quality and Access created by section 7 of this act.

Sec. 3.3. "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 3.7. "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 3.8. "Operator" means the operator of an agency to provide personal care services in the home or the operator of a medical facility.

Sec. 4. ~~["Provider"]~~ "Operator group" means all ~~[providers of health care] operators~~ who are required to obtain a given type of license ~~for or certificate~~ pursuant to ~~[title 54 of NRS or chapter 449 of] NRS ~~449.030 to 449.2428, inclusive.~~~~

Sec. 5. ~~["Provider of health care" has the meaning ascribed to it in NRS 629.031 and includes, without limitation, a medical facility as defined in NRS 449.0151.] (Deleted by amendment.)~~

Sec. 6. 1. Except as otherwise provided in this section, after polling the ~~[providers of health care] operators in ~~a provider~~ an operator group~~ and receiving an affirmative vote from at least 67 percent of the ~~[providers] operators in that ~~provider~~ operator group~~, the Division may impose by regulation, against each ~~[provider of health care] operator in the ~~provider~~ operator group~~, an assessment in an amount equal to a percentage of the net revenue generated by the ~~[provider of health care] agency to provide personal care services in the home or medical facility, as applicable, from providing care in this State during a calendar or fiscal year. The Division shall adopt:~~

(a) Regulations prescribing the percentage that must be used to calculate the amount of the assessment, the date on which the assessment is due and the manner in which the assessment must be paid; and

(b) Any other regulations necessary or convenient to carry out the provisions of this section.

2. The revenue from an assessment imposed pursuant to subsection 1 must be deposited in the Account.

3. An assessment imposed pursuant to subsection 1 must comply with the provisions of 42 C.F.R. § 433.68. An assessment must not be imposed pursuant to subsection 1 if federal law or regulations prohibit using the revenue generated by the assessment for the purposes prescribed in section 7 of this act. If new federal law or regulations imposing such a prohibition are enacted or adopted, as applicable:

(a) An assessment must not be collected after the effective date of the law or regulations; and

(b) Any money collected during the calendar or fiscal year, as applicable, in which the federal law or regulations become effective must be returned to the ~~[providers of health care] operators~~ from whom it was collected.

4. ~~4. [A provider of health care]~~ An operator shall submit to the Division any information requested by the Division for the purposes of carrying out the provisions of this section.

Sec. 7. 1. The Account to Improve Health Care Quality and Access is hereby created in the State General Fund. The Division shall administer the Account. The revenue from assessments and penalties imposed on the ~~[providers of health care]~~ operators in each ~~[provider]~~ operator group must be accounted for separately in the Account.

2. The interest and income on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. The money in the Account must be expended to:

(a) Provide supplemental payments or enhanced rates of reimbursement to ~~[providers of health care]~~ operators in the ~~[provider]~~ operator group upon whom an assessment was imposed pursuant to an upper payment limit program established under the provisions of 42 C.F.R. § 447.272 or 447.321;

(b) Provide supplemental payments to ~~[providers of health care]~~ operators in the ~~[provider]~~ operator group upon whom an assessment was imposed who provide care to recipients of Medicaid in addition to the reimbursements those ~~[providers of health care]~~ operators would otherwise receive for providing such care; and

(c) Administer the provisions of sections 2 to 8, inclusive, of this act.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance of the Account must be carried forward to the next fiscal year.

Sec. 8. 1. The Division shall adopt regulations that establish administrative penalties for failure to timely pay an assessment imposed pursuant to section 6 of this act. Any money collected from such a penalty must be deposited in the Account.

2. If ~~[a provider of health care]~~ an operator fails to remit to the Division any penalty imposed pursuant to this section or any assessment imposed pursuant to section 6 of this act within 30 days after the date on which the penalty or assessment is due, the Division may deduct the amount of the assessment or penalty, as applicable, from future payments owed to the ~~[provider of health care]~~ operator under the State Plan for Medicaid. Before doing so, the Division:

(a) Shall notify the ~~[provider of health care]~~ operator of the intended deduction; and

(b) May negotiate a payment plan with the ~~[provider of health care]~~ operator.

Sec. 9. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 2 to 8, inclusive, of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 10. This act becomes effective upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 614 to Senate Bill No. 509 makes a couple of changes but most importantly eliminates provider groups from the ability to create the provider-fee mechanism as outlined in the bill. It protects the ability of the facilities as licensed under chapter 449 to create this as well as personal-care agencies.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 484.

Bill read third time.

The following amendment was proposed by Senator Hammond:

Amendment No. 611.

SUMMARY—Revises provisions relating to the licensing of foster homes.
(BDR 38-348)

AN ACT relating to foster care; revising provisions relating to investigations of the background and personal history of certain persons associated with a foster home or foster care agency; revising provisions concerning the denial, suspension or revocation of a license to conduct a foster home; ~~authorizing the issuance of a special license to conduct a foster home to a relative or fictive kin of a child under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to be licensed to conduct a foster home. (NRS 424.030) Existing law requires each applicant for a license to conduct a foster home, each person who is licensed to conduct a foster home, each employee of that applicant or licensee, certain residents of a foster home who are 18 years of age or older and each person who is 18 years of age or older who routinely supervises a child in a foster home to: (1) submit a complete set of fingerprints and certain documentation to the licensing authority that licenses foster homes; and (2) have a child abuse and neglect screening conducted by the licensing authority or its approved designee. If the licensing authority determines that the applicant or licensee has committed a certain crime, existing law authorizes the licensing authority to deny, suspend or revoke the license. If the licensing authority determines that an employee, a resident who is 18 years of age or older or a person who is 18 years of age or older who routinely supervises a child in the foster home has committed a certain crime, the licensee is required to terminate the employment of that

person, remove that person from the residence or prevent that person from being present in the foster home and may be subject to discipline for failing to do so. (NRS 424.033) Existing federal law prohibits the approval of a person as a foster parent if the person has been convicted of certain felonies. (42 U.S.C. § 671(a)(20))

Sections 1-3 of this bill revise provisions relating to the denial, suspension or revocation of a license to conduct a foster home as a result of an investigation of the background of an applicant for a license to conduct a foster home, a person who is licensed to conduct a foster home, an employee of that applicant or licensee, certain residents of a foster home who are 18 years of age or older or a person who is 18 years of age or older who routinely supervises a child in a foster home. Section 1 of this bill removes: (1) the requirement that the licensing authority or a person designated by the licensing authority determine whether such a person has been arrested for, has charges pending for or has been convicted of contributing to the delinquency of a child; and (2) the authority of the licensing authority to deny, suspend or revoke a license to conduct a foster home if certain persons have been convicted of contributing to the delinquency of a child. Section 2 of this bill requires the licensing authority to deny, suspend or revoke a license to conduct a foster home if the licensing authority determines that an applicant for such a license or a licensee has: (1) been convicted of any crime for which federal law prohibits the applicant or licensee from being approved as a foster parent; or (2) failed to terminate an employee, remove certain residents or prevent certain other persons from being present in the foster home if the employee, resident or other person has been convicted of such a crime. ~~[Section 2 authorizes a licensing authority to issue a special license to a relative or fictive kin of a child under certain circumstances if that person otherwise would have had his or her application denied or license suspended or revoked because he or she was convicted of a certain crime.]~~ Section 2 also: (1) authorizes the licensing authority to deny, suspend or revoke a license to conduct a foster home if the licensing authority determines that an applicant for such a license or a licensee has had a substantiated report of child abuse or neglect made against him or her or has failed to comply with the requirement set forth in section 3 of this bill to terminate an employee, remove certain residents or prevent certain other persons from being present in the foster home if the employee, resident or other person has had such a substantiated report against him or her; and (2) requires the licensing authority to deny, suspend or revoke such a license if the substantiated report of child abuse or neglect involves the sexual exploitation, sexual abuse or death of a child.

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) Existing law requires the licensing authority that licenses foster care agencies or its designee to obtain certain information on the background and personal history of each applicant for or holder of such a

license and each owner, member of the governing body, employee, paid consultant, contractor, volunteer and vendor of the applicant or licensee. (NRS 424.145) Section 4 of this bill removes the requirement that the licensing authority or its designee obtain such information to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of contributing to the delinquency of a child.

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

Section 1. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;
- (e) Abuse or neglect of a child ; ~~for contributory delinquency;~~
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
- (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;
- (i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;
- (k) A crime involving domestic violence that is punishable as a felony;
- (l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.

3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to subsection 1 shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

5. The licensing authority or its designee:

(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation; and

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home at such times as it deems appropriate.

Sec. 2. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted pursuant to subsection 2 of NRS 424.031, must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

6. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been convicted of a crime listed in NRS 424.031.

7. The licensing authority shall immediately inform the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home whether an employee or resident of the foster home, or any other person who is 18 years of age or older who routinely supervises a child in the foster home for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031, has been convicted of a crime listed in NRS 424.031. The information provided to the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home must not include specific information relating to any such conviction, including, without limitation, the specific crime for which the person was convicted.

8. ~~The~~ Except as otherwise provided in ~~subsections 9, 10, and 10.1~~ subsection 9, ~~and~~ the licensing authority may deny an application for a license to operate a foster home or may suspend or revoke such a license if the licensing authority determines that the applicant or licensee has ~~been~~ :

(a) Been convicted of a crime listed in NRS 424.031 ;

(b) Had a substantiated report of child abuse or neglect made against him or her; or ~~has failed~~

(c) Failed to terminate an employee, remove a resident of the foster home who is 18 years of age or older or prevent a person for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031 from being present in the foster home, if such a person has been convicted of any crime listed in NRS 424.031 ~~or~~ or has had a substantiated report of child abuse or neglect made against him or her.

9. ~~Except as otherwise provided in subsection 10, the~~ The licensing authority shall deny an application for a license to operate a foster home or shall suspend or revoke such a license if the licensing authority determines that the applicant or licensee has:

(a) Been convicted of:

- (1) Abuse or neglect of a child that is punishable as a felony;
- (2) A crime involving domestic violence that is punishable as a felony;
- (3) Sexual assault;
- (4) Any offense listed in NRS 424.031 that is punishable as a felony if the victim of the offense was less than 18 years of age when the offense was committed; or

(5) Any offense, other than assault or battery, listed in NRS 424.031 that involves the use or threatened use of force or violence against the victim and is punishable as a felony;

(b) Within the immediately preceding 5 years, been convicted of:

- (1) Assault or battery that is punishable as a felony; or
- (2) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS that is punishable as a felony;

(c) Had a substantiated report of child abuse or neglect made against him or her that involves the sexual exploitation, sexual abuse or death of a child; or

(d) Failed to terminate an employee, remove a resident of the foster home who is 18 years of age or older or prevent a person for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031 from being present in the foster home, if such a person has been convicted of an offense listed in paragraph (a), convicted of an offense listed in paragraph (b) within the immediately preceding 5 years or had a substantiated report of child abuse or neglect made against him or her that involves the sexual exploitation, sexual abuse or death of a child.

10. ~~The licensing authority may issue a special license pursuant to subsection 4 of NRS 424.030 to a relative or fictive kin of a child if a license to operate a foster home for such a relative or fictive kin would have been denied, suspended or revoked pursuant to subsection 8 or 9.~~

~~11.~~ As used in this section:

(a) ~~"Fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.~~

~~(b)~~ "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

~~(c)~~ (b) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 3. NRS 424.0335 is hereby amended to read as follows:

424.0335 1. Upon receiving information from the licensing authority or its designee pursuant to NRS 424.033 or evidence from any other source that an employee of an applicant for a license to conduct a foster home, a person who is licensed to conduct a foster home or a resident of an applicant or

licensee who is 18 years of age or older, or any other person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031, has been convicted of a crime listed in NRS 424.031 ~~[-]~~ *or has had a substantiated report of child abuse or neglect made against him or her*, the applicant or licensee shall terminate the employment of the employee, remove the resident from the foster home or prevent the person who is 18 years of age or older who routinely supervises a child in the foster home from being present in the home after allowing the employee, resident or other person time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or other person who is 18 years of age or older who routinely supervises a child in a foster home believes that the information provided pursuant to subsection 1 is incorrect, the employee, resident or other person must inform the applicant or licensee immediately. An applicant or licensee that is so informed shall give the employee, resident or other person 30 days to correct the information.

3. During the period in which an employee, resident or other person who is 18 years of age or older who routinely supervises a child in a foster home seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or other person to continue to work for, reside at or provide supervision of a child in the foster home, as applicable, except that the employee, resident or other person shall not have contact with a child in the foster home without supervision during any such period.

Sec. 4. NRS 424.145 is hereby amended to read as follows:

424.145 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;
- (e) Abuse or neglect of a child ; ~~for contributory delinquency;~~
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 5. This act becomes effective on July 1, 2017.

Senator Hammond moved the adoption of the amendment.

Remarks by Senators Hammond and Ford.

SENATOR HAMMOND:

Amendment No. 611 to Senate Bill No. 484 removes section 10 of the original bill that refers to the special licensing of foster-care homes. It goes back to the language that states a person must pass a certain background check so there is no special licensing for that anymore.

SENATOR FORD:

Are we still in compliance with the federal government requirements we were attempting to meet with the changes we made in the first instance for Senate Bill no. 484?

SENATOR HAMMOND:

I stand corrected. The part removed from the original bill was section 2, subsection 10. We are still in compliance with the federal regulations with this amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 146.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 578.

SUMMARY—~~[Requires certain electric utilities to file a distributed]~~
Revises provisions governing the filing of an integrated resources plan with the Public Utilities Commission of Nevada. (BDR 58-15)

AN ACT relating to energy; requiring certain electric utilities in this State to file with the Public Utilities Commission of Nevada a distributed resources plan; prescribing the minimum requirements of such a plan; revising provisions governing the filing of a plan by one electric utility to increase the supply of electricity or reduce demand; increasing the period by which the Commission must issue an order accepting or modifying certain portions of such a plan ~~[to increase the supply of electricity or reduce demand submitted by an electric utility]~~; or amendments to such a plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an electric utility with an annual operating revenue of \$2,500,000 or more in this State to submit to the Public Utilities Commission of Nevada , on or before July 1 of every third year, a plan to increase its supply of electricity or decrease the demands made on its system by its customers. (NRS 704.741) [Sections] Section 1 of this bill requires certain affiliated utilities to file a joint plan. Under sections 1 and 3 of this bill, each utility is required to file a plan on or before June 1, 2018, and on or before June 1 of every third year thereafter.

Section 1 (and 2) of this bill [require such] also requires an electric utility to submit to the Commission, on or before July 1, 2018, a distributed resources plan as part of the plan to increase its supply or decrease the demands on its system. A distributed resources plan must: (1) evaluate locational benefits and costs of distributed resources; (2) propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources; (3) propose cost-effective methods of effectively coordinating

existing programs approved by the Commission; (4) identify additional spending necessary to integrate cost-effective distributed resources into distribution planning; and (5) identify barriers to the deployment of distributed resources. Under section 3, each utility must submit its first distributed resources plan on or before April 1, 2019.

Existing law requires the Commission to convene a public hearing on the adequacy of a plan to increase supply or reduce demand and to issue an order accepting the plan or specifying any portions of the plan it deems to be inadequate. (NRS 704.746, 704.751) Section 2 of this bill authorizes the Commission to accept a distributed resources plan that complies with the provisions of section 1 after such a hearing. Section 2 also increases from 180 days to 210 days the period by which the Commission must issue an order approving or modifying any portion of a plan to increase supply or reduce demand that does not relate to the energy supply plan of the utility. ~~It~~ and increases from 135 to 165 days the period by which the Commission must issue an order accepting or modifying an amendment to such a plan.

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

Section 1. NRS 704.741 is hereby amended to read as follows:

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

2. The Commission shall, by regulation:

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

(1) Forecast the future demands; and

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

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

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

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

(b) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.

(c) An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, on the reliability of the distribution system of the utility or

utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

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

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

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

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

(a) *Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility ~~it~~ or utilities.*

(b) *Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.*

(c) *Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.*

(d) *Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility ~~it~~ or utilities.*

(e) *Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.*

6. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(c) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(d) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

Sec. 1.5. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility ~~or~~ or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission may give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable; and

(d) Provide the greatest opportunity for the creation of new jobs in this State.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility ~~or~~ or utilities.

Sec. 2. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within ~~180~~ 210 days for all portions of the plan not described in paragraph (a).

➤ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within ~~135~~ 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➤ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

4. The Commission may accept ~~it~~ :

(a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility or utilities meeting the portfolio standard, as defined in NRS 704.7805.

(b) A *distributed resources plan* submitted pursuant to subsection 5 of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.

5. The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

6. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

Sec. 3. 1. Notwithstanding any other provision of law and except as otherwise provided in this subsection, any public utility required to file a plan pursuant to NRS 704.741, as amended by section 1 of this act, shall file a plan pursuant to that section, as amended by section 1 of this act, on or before June 1, 2018. The plan filed by a public utility pursuant to NRS 704.741, as amended by section 1 of this act, on or before June 1, 2018, is not required to include the distributed resources plan required by subsection 5 of NRS 704.741, as amended by section 1 of this act.

2. Any public utility required to file a plan pursuant to NRS 704.741 that would not otherwise be required to file a new plan before July 1, 2018, shall , on or before April 1, 2019, submit an amendment to its existing plan ~~by July 1, 2018,~~ that complies with the provisions relating to a distributed resources plan in subsection 5 of NRS 704.741, as amended by section 1 of this act.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 578 to Senate Bill No. 146 requires the electric utilities to file an integrated-resource plan on or before June 1, 2018; allows affiliated utilities that have interconnected systems to submit a joint plan; requires utilities to file a joint distributed-resource plan or before April 1, 2019; extends the time the Public Utilities Commission of Nevada has to issue an order on the integrated-resource plan amendment form 135 days to 165 days, and deletes the provisions requiring the filing of an amendment for a utility that would not otherwise file a new integrated-resource plan because both utilities will have filed a combined integrated-resource plan beginning 2018.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Spearman moved to withdraw Amendment No. 157 to Senate Bill No. 482.

Motion carried.

Senator Spearman moved that the bill be taken from the Second Reading File and re-referred to the Committee on Finance.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 124 be taken from the General File and be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Segerblom, the privilege of the floor of the Senate Chamber for this day was extended to Larry Bradley, Chuck Seale and Jeff Tressley.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Paul Anderson and Jim Barbee.

Senator Ford moved that the Senate adjourn until Tuesday, April 25, 2017, at 10:00 a.m.

Motion carried.

Senate adjourned at 9:19 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate