

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 5, 2017

Senate called to order at 11:12 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by President Hutchison.

Our Father who art in Heaven, we humbly come before Thee and bow our heads and give thanks for all of our many blessings. We are grateful, Father, first, to live in this beautiful Country of freedom and blessings and opportunities. We are grateful for the privilege that we have to serve and to be Thy servants, grateful for the friendships which we have, the collegiality which we enjoy, grateful for the good work which we have seen in this Session. We would ask You, Father, to please bless us with Thy Spirit, that we can continue to follow Thy example, that we may be kind, courteous and follow the dictates of Thy Commandments. We love Thee, Father. We are grateful for all that Thou has blessed us with and recognize Thy hand in all good things in our lives.

We say this in Thy Son's Name, Jesus Christ.

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.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that vetoed Senate Bills Nos. 265, 384, 397 of the 79th Session be made a Special Order of Business for Monday, June 5, 2017, at 11:30 a.m.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 97.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 97 requires a law enforcement agency to submit a sexual assault forensic evidence kit, SAFE kit, to the applicable forensic laboratory responsible for conducting a genetic-marker analysis within 30 days after receiving the kit. This requirement does not apply to certain non-investigatory SAFE kits. Each forensic laboratory that receives a SAFE kit must test the kit within 120 days of receiving it and then, upon completion of the test, include the DNA profile obtained from the genetic-marker analysis in the State DNA Database and the Federal Bureau of Investigation's Combined DNA Index System. In addition, each forensic laboratory must submit a report to the Director of the Legislative Counsel Bureau for transmittal to the next Session of the Legislature or to the Legislative Commission, as applicable. The bill also requires the Attorney General to designate a department or division of the Executive Branch to establish a statewide SAFE kit tracking program and sets forth requirements related to the program. The word "arrestee" is removed from the name of the Subcommittee to Review Arrestee DNA to reflect the Subcommittee's expanded duties, which include evaluating and reviewing information relating to SAFE kit testing and tracking. The Subcommittee is also

required to report to the Advisory Commission on the Administration of Justice on matters relating to the submittal, storage and testing of SAFE kits.

The measure authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to a county for the reimbursement of costs associated with conducting forensic medical examinations of victims of sexual assault. Lastly, the bill appropriates \$3 million from the State General Fund to the Office of the Attorney General for the purpose of making payments to forensic laboratories to reduce the backlog of SAFE kits that have not been tested.

Roll call on Assembly Bill No. 97:

YEAS—21.

NAYS—None.

Assembly Bill No. 97 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 Assembly Bill No. 399 be taken from the General File and placed at the bottom of the General File, last Agenda.

Motion carried.

Senator Ford moved that Assembly Bill No. 422 be taken from the General File and placed at the bottom of the General File, last Agenda.

Motion carried.

Senator Atkinson moved that Assembly Bill No. 206 be taken from the Secretary's desk and placed at the bottom of the General File, last Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 434.

Bill read third time.

Remarks by Senator Gustavson.

Assembly Bill No. 434 appropriates from the State General Fund to Nevada's Department of Education \$2.5 million to provide incentives for hiring new teachers at Title I or underperforming schools; and \$2.5 million to provide incentives for teachers who are currently employed to teach at a public school in Nevada that is not a Title I or underperforming school and who transfer to such a school.

Roll call on Assembly Bill No. 434:

YEAS—21.

NAYS—None.

Assembly Bill No. 434 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 475.

Bill read third time.

The following amendment was proposed by the Committee on Education:
Amendment No. 1150.

SUMMARY—Revises provisions relating to education. (BDR 31-975)

AN ACT relating to education; authorizing the Board of Trustees of the College Savings Plans of Nevada to delegate certain powers and duties relating to the Nevada Higher Education Prepaid Tuition Program to the State Treasurer; requiring the Board of Trustees of the College Savings Plans of Nevada to establish the Nevada College Kick Start Program; revising the membership of the Board; authorizing certain qualified beneficiaries to apply unused prepaid tuition benefits toward graduate-level studies; providing that the Nevada Higher Education Prepaid Tuition Trust Fund consists, in part, of payments received pursuant to a loan made to the Trust Fund for purposes of the fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program; transferring the duty to adopt regulations governing the Nevada College Savings Program from the State Treasurer to the Board; requiring the transfer of money in accounts created under the Program to the Endowment Account in the State General Fund under certain circumstances; revising provisions governing the expenditures authorized from the Endowment Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Board of Trustees of the College Savings Plans of Nevada was created under existing law to oversee the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. The State Treasurer or his or her designee serves as the Chair of the Board. (NRS 353B.001-353B.370) Section 2 of this bill revises the membership of the Board to: (1) provide that the State Treasurer or his or her designee serves as an ex officio nonvoting member; and (2) add a new voting member who is appointed by the Governor. Section 2 also provides for the selection of the Chair of the Board by the voting members of the Board.

Under existing law, the Board is required to develop and maintain the Nevada Higher Education Prepaid Tuition Program for the prepayment of the tuition of the beneficiary of a prepaid tuition contract at an eligible in-state or out-of-state public or private university, college or community college. The tuition paid under the contract is at a guaranteed rate based on an annual actuarial study for undergraduate studies at a university, state college or community college that is a member of the Nevada System of Higher Education. (NRS 353B.090) Existing law also: (1) creates the Nevada Higher Education Prepaid Tuition Trust Fund for the deposit of payments under prepaid tuition contracts and other sources of money for the Program and requires the State Treasurer to administer the Trust Fund; and (2) sets forth certain powers and duties of the Board relating to promotion, investment and contracting services for the Program and the Trust Fund. (NRS 353B.010-353B.190)

Section 1.3 of this bill authorizes the Board to delegate to the State Treasurer those powers and duties necessary for the efficient and effective administration of the Nevada Higher Education Prepaid Tuition Program and the Trust Fund. Under existing law, the Board is authorized to make such a delegation to the State Treasurer with respect to the Nevada College Savings

Program and the Nevada College Savings Program Trust Fund.
(NRS 353B.320)

Section ~~44~~ 1.5 of this bill requires the Board to establish the Nevada College Kick Start Program to create college savings accounts for pupils enrolled in kindergarten in public schools in Nevada who are residents of Nevada. Section ~~44~~ 1.5 requires the Board, within the limits of money available for this purpose, to deposit money in the accounts to be used for the costs of higher education of those pupils. Section ~~44~~ 1.5 also requires the Board to adopt regulations for the implementation of the Program and authorizes the Board to apply for and accept gifts, grants and donations to carry out the Program.

Existing law authorizes the State Treasurer to establish an Endowment Account in the State General Fund to carry out the State Treasurer's duties with respect to the Nevada College Savings Program. The Endowment Account is required to be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings account agreement and which the State Treasurer determines is not necessary for certain administration and marketing activities. The State Treasurer is authorized to expend money in the Endowment Account: (1) for any purpose related to the Nevada College Savings Program; (2) to pay the costs of administering the Governor Guinn Millennium Scholarship Program; or (3) in any other manner which assists residents of Nevada to attain postsecondary education. (NRS 353B.350) Section 6 of this bill limits the purposes for which the State Treasurer is authorized to expend money in the Endowment Account only to purposes related to the funding of college savings accounts under the Nevada College Kick Start Program, the Governor Guinn Millennium Scholarship Program, administrative and marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program, and programs for the financial education of residents of this State. Section ~~44~~ 1.5 requires the Board of Trustees of the College Savings Plans of Nevada to transfer to the Endowment Account the balance in the account of a pupil created under the Nevada College Kick Start Program: (1) that has not been accessed by a parent or guardian of the pupil by the time the pupil is enrolled in the fifth grade; or (2) which otherwise has not been used within the time prescribed by regulation.

~~[Existing law creates the Nevada Higher Education Prepaid Tuition Trust Fund which consists of certain payments received by the Trust Fund. (NRS 353B.140)]~~

Sections 2.4 and 2.45 of this bill expand the authorized use of benefits under a prepaid tuition contract to allow a qualified beneficiary to apply any unused prepaid tuition benefits after his or her graduation with an undergraduate degree toward his or her graduate-level studies. Section 2.4 also specifically requires the Board to adopt requirements for a master agreement for the Nevada Higher Education Prepaid Tuition Program by

regulation. Section 6.7 of this bill requires the Board to amend the master agreement for the Program to make the expanded authorization for graduate-level studies applicable to existing prepaid tuition contracts.

Section 2.5 of this bill adds to the list of payments included in the Trust Fund payments received pursuant to a loan made to the Trust Fund for the purpose of fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program.

Existing law requires the State Treasurer to adopt regulations to establish and carry out the Nevada College Savings Program, which offers tax-free investment plans for saving money for the costs of higher education. (NRS 353B.310) Section 2.8 of this bill transfers the duty to adopt regulations for the Nevada College Savings Program from the State Treasurer to the Board.

Existing law creates the Nevada College Savings Trust Fund and authorizes the State Treasurer to accept and expend for certain purposes money provided to the Trust Fund by a private entity. (NRS 353B.340, 353B.360) Section 6.5 of this bill removes this grant of authority from the State Treasurer and instead authorizes the Board ~~for Trustees of the College Savings Plans of Nevada~~ to accept and expend such money.

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

Section 1. Chapter 353B of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. The Board may delegate to the State Treasurer any of its administrative powers and duties specified in this section and NRS 353B.010 to 353B.190, inclusive, if the Board determines that such delegation is necessary for the efficient and effective administration of the Nevada Higher Education Prepaid Tuition Program and the Trust Fund.

Sec. 1.5. 1. The Board shall establish the Nevada College Kick Start Program to provide for the creation of a college savings account for each pupil who is a resident of this State upon commencement of his or her enrollment in kindergarten at a public school in this State. Within the limits of money available for this purpose, the Board shall deposit money in such an account to be used to pay a portion of the costs of higher education of the pupil.

2. The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations regarding:

(a) Enrollment in the Program, including without limitation, opting in or opting out of the Program;

(b) Procedures for the parent or guardian of a pupil to access the account of the pupil created pursuant to subsection 1;

(c) The time within which the money in the account created pursuant to subsection 1 must be used; and

(d) Distributions from an account created pursuant to subsection 1.

3. *The Board may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program.*

4. *The Board shall transfer to the Endowment Account established pursuant to NRS 353B.350 the balance in the account of a pupil created pursuant to subsection 1 that:*

(a) Has not been accessed by a parent or guardian of the pupil in the manner prescribed in the regulations adopted pursuant to subsection 2 by the time the pupil is enrolled in grade 5.

(b) Is otherwise remaining after expiration of the time prescribed in the regulations adopted pursuant to subsection 2 within which the money in the account must be used.

Sec. 2. NRS 353B.005 is hereby amended to read as follows:

353B.005 1. There is hereby created a Board of Trustees of the College Savings Plans of Nevada.

2. The Board consists of ~~five~~ :

(a) Five voting members composed of:

~~[(a) The State Treasurer, who may name a designee to serve on the Board on his or her behalf.~~

~~—(b)—~~ *(1) The Director of the Office of Finance, who may name a designee to serve on the Board on his or her behalf.*

~~[(c)]~~ *(2) The Chancellor of the System, who may name a designee to serve on the Board on his or her behalf.*

~~[(d) Two]~~

(3) Three members appointed by the Governor. A member who is appointed by the Governor must possess knowledge, skill and experience in the field of:

~~[(1)]~~ *(I) Accounting;*

~~[(2)]~~ *(II) Finance;*

~~[(3)]~~ *(III) Investment management; or*

~~[(4)]~~ *(IV) Marketing.*

(b) The State Treasurer or his or her designee, who serves ex officio as a nonvoting member.

3. A member of the Board who is appointed by the Governor ~~[:]~~ *pursuant to subparagraph (3) of paragraph (a) of subsection 2:*

(a) Serves for a term of 4 years;

(b) Except as otherwise provided in paragraph (c), may be reappointed by the Governor; and

(c) Except as otherwise provided in this paragraph, may serve for only two terms. A member who is appointed to fill a vacancy in an unexpired term that is not longer than 3 years may serve two terms in addition to the unexpired term.

4. The ~~[State Treasurer or his or her designee]~~ *voting members of the Board shall [serve as the] elect a Chair of the Board [:] from among their number. The term of office of the Chair is 1 year.*

5. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing his or her duties.

6. As used in this section, the term "College Savings Plans of Nevada" includes the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and section 1.3 of this act and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive ~~[-]~~, and section ~~1.4~~ 1.5 of this act including the Nevada College Kick Start Program.

Sec. 2.3. NRS 353B.010 is hereby amended to read as follows:

353B.010 As used in NRS 353B.010 to 353B.190, and section 1.3 of this act, unless the context otherwise requires, the words and terms defined in NRS 353B.030 to 353B.070, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.4. NRS 353B.090 is hereby amended to read as follows:

353B.090 1. The Board shall develop the Nevada Higher Education Prepaid Tuition Program for the prepayment of tuition for a qualified beneficiary for:

(a) Undergraduate studies at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

(b) If any money paid into the Trust Fund under a prepaid tuition contract is remaining after a qualified beneficiary has graduated with an undergraduate degree, for graduate-level studies at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

2. The amount of the tuition under a prepaid tuition contract must be at a guaranteed rate which is established based on the annual actuarial study required pursuant to NRS 353B.190 for undergraduate studies at a university, state college or community college that is a member of the System.

~~2.3~~ 3. The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations setting forth requirements for:

(a) Residency;

- (b) A limit on the number of qualified beneficiaries;
- (c) The termination, withdrawal and transfer of money paid into the Trust Fund;
- (d) A payment received by the Trust Fund as a matching contribution made as described in NRS 363A.137 or 363B.117 to be credited to the qualified beneficiary on whose behalf the matching contribution was made;
- (e) The time within which the money paid into the Trust Fund must be used; ~~and~~
- (f) Payment schedules ~~for~~; and
- (g) A master agreement for the Program.

Sec. 2.45. NRS 353B.100 is hereby amended to read as follows:

353B.100 1. The Board may enter into a prepaid tuition contract with a purchaser.

2. The Board shall create a prepaid tuition contract in accordance with the provisions of this section.

3. The prepaid tuition contract must include, without limitation:

(a) The terms and conditions under which the purchaser shall remit payment, including, without limitation:

(1) The amount and number of payments that are required from the purchaser on behalf of the qualified beneficiary;

(2) The date upon which each payment is due; and

(3) A provision for a reasonable penalty for a delinquent payment or default.

(b) The name and date of birth of the qualified beneficiary on whose behalf the prepaid tuition contract is drawn.

(c) The terms and conditions under which another person may be substituted as the qualified beneficiary.

(d) The terms and conditions under which the purchaser, or another person designated by the purchaser, may terminate the prepaid tuition contract, receive a refund of money that he or she has paid into the Trust Fund or withdraw money that he or she has paid into the Trust Fund, including, without limitation, a provision allowing the Board to impose a fee that amounts to more than a de minimis penalty.

(e) A provision that the Board shall, after making a reasonable effort to contact the purchaser, report any money that has been deposited under a prepaid tuition contract that has not been terminated and has not been used within a specified period to the State Treasurer for proper disposition.

(f) The number of semesters for which the purchaser is contracting.

(g) A provision that money paid into the Trust Fund under a prepaid tuition contract may be applied toward tuition for an undergraduate degree at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

↪ Payments authorized pursuant to subparagraph (2) or (3) must not exceed the projected highest payment for tuition for the current academic year at a university that is a member of the System.

(h) A provision that any money under a prepaid tuition contract that is remaining after a qualified beneficiary has graduated with an undergraduate degree may be applied toward tuition for graduate-level studies at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

↪ Payments authorized pursuant to this paragraph may not exceed the total amount payable under the prepaid tuition contract of the qualified beneficiary.

(i) Any other term or condition that the Board considers necessary or proper.

Sec. 2.47. NRS 353B.110 is hereby amended to read as follows:

353B.110 The Board:

1. May modify the regulations for the implementation of the Program adopted pursuant to subsection ~~(2)~~ 3 of NRS 353B.090.

2. May establish agreements to fulfill its obligations under the prepaid tuition contracts.

3. May contract for any necessary good or service, including, without limitation, the power to engage financial consultants, actuaries or legal counsel.

4. May procure insurance against any loss in connection with the property, assets or activities of the Trust Fund, the State Treasurer or the Board.

5. May solicit and accept a gift, including, without limitation, a bequeathment or other testamentary gift, grant, loan or aid from any source.

6. Shall solicit answers to requests for rulings from the Internal Revenue Service regarding the tax status of fees paid to or on behalf of a purchaser or a qualified beneficiary pursuant to a prepaid tuition contract.

Sec. 2.5. NRS 353B.140 is hereby amended to read as follows:

353B.140 1. The Nevada Higher Education Prepaid Tuition Trust Fund is hereby created within the State Treasury to allow the cost of tuition to be paid in advance of enrollment at an institution of higher education.

2. The Trust Fund consists of payments received pursuant to:

(a) A prepaid tuition contract;

(b) A bequest, endowment or grant from the Federal Government;

(c) A matching contribution made as described in NRS 363A.137 or 363B.117; ~~for~~

(d) *A loan made to the Trust Fund for purposes of the fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program; or*

(e) Any other public or private source of money.

3. Money in the Trust Fund that is not expended during any biennium does not revert to the State General Fund at any time.

Sec. 2.8. NRS 353B.310 is hereby amended to read as follows:

353B.310 1. The ~~State Treasurer~~ Board shall adopt regulations to establish and carry out the Nevada College Savings Program, which must comply with the requirements of a qualified state tuition program pursuant to 26 U.S.C. § 529.

2. The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and the regulations adopted pursuant thereto, to ensure that the Nevada College Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.

3. The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified higher education expenses at eligible educational institutions in accordance with 26 U.S.C. § 529.

4. The regulations must set forth requirements for a payment received by the Trust Fund as a matching contribution made as described in NRS 363A.137 or 363B.117 to be credited to the savings trust account to which the contribution was made.

5. The regulations may include any other provisions not inconsistent with federal law that the ~~State Treasurer~~ Board determines are necessary for the efficient and effective administration of the Nevada College Savings Program and the Trust Fund.

Sec. 3. NRS 353B.320 is hereby amended to read as follows:

353B.320 The Board may delegate to the State Treasurer any of its administrative powers and duties specified in NRS 353B.300 to 353B.370, inclusive, *and section ~~11~~ 1.5 of this act* if the Board determines that such delegation is necessary for the efficient and effective administration of the Nevada College Savings Program and the Trust Fund.

Sec. 4. NRS 353B.330 is hereby amended to read as follows:

353B.330 Savings trust accounts and agreements entered into pursuant to NRS 353B.300 to 353B.370, inclusive, *and section ~~11~~ 1.5 of this act* are not guaranteed by the full faith and credit of the State of Nevada.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 353B.350 is hereby amended to read as follows:

353B.350 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to

NRS 353B.300 to 353B.370, inclusive, *and section ~~44~~ 1.5 of this act*, including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

3. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

4. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada College Savings Program and to supplement the administration and marketing of the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, ~~44~~, *and section 1.3 of this act*.

5. ~~The~~ *In addition to the money transferred pursuant to section ~~44~~ 1.5 of this act*, the Endowment Account must be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended ~~44~~ *for any purpose related to:*

(a) ~~For any purpose related to the~~ *The funding of college savings accounts created under the Nevada College ~~Savings~~ Kick Start Program ~~44~~* *established pursuant to section ~~44~~ 1.5 of this act;*

(b) ~~To pay the costs of administering the~~ *The Governor Guinn Millennium Scholarship Program created pursuant to NRS 396.926, including, without limitation, the costs of administering the Program, but such costs must not exceed an amount equal to 3 percent of the anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit in the Trust Fund; ~~for~~*

(c) ~~In any other manner which assists the residents of this state to attain postsecondary education.~~ *The administrative costs, as approved by the Legislature or the Interim Finance Committee, of activities related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and section 1.3 of this act and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, and section ~~44~~ 1.5 of this act, including the Nevada College Kick Start Program;*

(d) *The costs of marketing related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and section 1.3 of this act and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, and section ~~44~~ 1.5 of this act, including the Nevada College Kick Start Program, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received*

pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account; or

(e) The costs of providing programs for the financial education of residents of this State, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account.

Sec. 6.5. NRS 353B.360 is hereby amended to read as follows:

353B.360 The ~~{State Treasurer}~~ Board may accept and expend on behalf of the Trust Fund money provided by private entities for direct expenses or marketing ~~{ }~~ in accordance with the provisions of NRS 353.150 to 353.245, inclusive. Such money is not a part of the Trust Fund.

Sec. 6.7. 1. On or before October 1, 2017, the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005, as amended by section 2 of this act, shall amend the master agreement for the Nevada Higher Education Prepaid Tuition Program created in accordance with regulations adopted pursuant to NRS 353B.090, as amended by section 2.4 of this act, to authorize, pursuant to NRS 353B.090, as amended by section 2.4 of this act, the application of any money paid into the Nevada Higher Education Prepaid Tuition Trust Fund created by NRS 353B.140, as amended by section 2.5 of this act, under a prepaid tuition contract that is remaining after a qualified beneficiary has graduated with an undergraduate degree toward tuition for graduate-level studies by the qualified beneficiary at:

(a) A university, state college or community college that is a member of the Nevada System of Higher Education;

(b) An accredited college or university in this State that is not a member of the System; or

(c) An accredited community college, college or university in another state.

2. As used in this section:

(a) "Prepaid tuition contract" has the meaning ascribed to it in NRS 353B.030.

(b) "Qualified beneficiary" has the meaning ascribed to it in NRS 353B.050.

Sec. 6.8. Notwithstanding the amendatory provisions of this act transferring authority to adopt regulations from the State Treasurer to the Board of Trustees of the College Savings Plans of Nevada, any regulations adopted by the State Treasurer pursuant to NRS 353B.310 before July 1, 2017, remain in effect and may be enforced by the Board or the State Treasurer, as applicable, until the Board adopts regulations to repeal or replace those regulations.

Sec. 6.9. The money authorized for expenditure from the Nevada College Savings Trust Fund in section 1 of Senate Bill No. 545 of this

session is reduced from \$4,220,813 to \$3,599,776 in Fiscal Year 2017-2018 and from \$4,272,299 to \$3,651,262 in Fiscal Year 2018-2019.

Sec. 7. 1. This section and sections 1, 1.5, 2, 2.5 and 3 to 6.5, inclusive, of this act [~~becomes~~] become effective upon passage and approval.

2. Sections 1.3, 2.3 to 2.47, inclusive, 2.6, 2.8, 6.7, 6.8 and 6.9 of this act become effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senators Denis and Kieckhefer.

SENATOR DENIS:

This amendment to Assembly Bill No. 475 allows the beneficiary of the Prepaid Tuition Program to use unspent program funds for graduate level studies; transfers from the State Treasurer to the Board of Trustees of the College Savings Plan of Nevada the authority to adopt regulations for the Nevada College Savings Program, and allows the Board to delegate certain powers and duties to the State Treasurer.

SENATOR KIECKHEFER:

What is the reason for the reduction in section 6.9 of the amendment after the budget process has already been completed?

SENATOR DENIS:

This was done at the request of the Fiscal Division.

SENATOR KIECKHEFER:

The change in the authorization has to do with the new cap that is being implemented in a different section of the bill, is that correct?

SENATOR DENIS:

Yes.

Amendment adopted.

Bill read third time.

Remarks by Senators Denis, Kieckhefer, Gansert and Harris.

SENATOR DENIS:

Assembly Bill No. 475 requires the Board of Trustees of the College Savings Plans of Nevada to establish the Nevada College Kick Start Program to create college savings accounts for students enrolled in kindergarten in public schools in Nevada who are residents of this State. The Board must, within limits of money available for this purpose, deposit money in these accounts to be used for the costs of higher education for these students. The Board also must transfer to the Endowment Account the balance in a student's account that has not been accessed by a parent or guardian of the pupil by the time the pupil is enrolled in the fifth grade, or that otherwise has not been used within the time prescribed by regulation. Finally, the bill transfers from the State Treasurer to the Board the authority to accept and expend for certain purposes money provided by a private entity to the Nevada Higher Education Prepaid Tuition Trust Fund, and provides that the Trust Fund consists, in part, of payments received pursuant to a loan made to the Trust Fund for purposes of the fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program.

SENATOR KIECKHEFER:

I support the majority of this bill, and it is in line with where our State policy on college savings should be. I have concerns about the cap on marketing expenditures because increased enrollments are necessary for continued financial stability for college savings plans. A reduced marketing effort may result in fewer enrollments which could undermine that stability, so I will reluctantly voting "no", hoping I am wrong.

SENATOR GANSERT:

Tuition rates at graduate school are higher than undergraduate rates. Will the individuals using this plan get the rate for the higher graduate school tuition or the undergraduate rate, which is about \$210 per unit?

SENATOR DENIS:

The intent was that if an individual completed their undergraduate work and had funds remaining, those funds could be applied to graduate work. I do not know if there was a discussion about the actual rate.

SENATOR HARRIS:

We did not have that discussion, but the Treasurer's Office has indicated there are many families that have students who receive scholarships. If they are on the borderline in regards to affording a credit, I do not know what the answer might be. It is anticipated there would be enough money to pay for the credits. How they are rated in terms of graduate versus undergraduate still needs to be worked out.

SENATOR GANSERT:

Hopefully, this can be worked out as part of the regulation process. I rise in support of this process. There are many students who receive dual credits or take AP courses and this program reimburses them, per unit, for taking these courses. This will help our students receive advanced education, which is wonderful. We want to ensure this program remains solvent.

Roll call on Assembly Bill No. 475:

YEAS—20.

NAYS—Kieckhefer.

Assembly Bill No. 475 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 486 revises the provisions governing the Governmental Services Tax State proceeds to be distributed in the 2017-19 biennium. *Nevada Revised Statute* 482.182 currently requires this revenue to be deposited equally between the State General Fund and State Highway Fund in FY 2017 and entirely in the State Highway Fund beginning in FY 2018. Assembly Bill No. 486 would revise this distribution by providing the State General Fund with 25 percent of the proceeds and the State Highway Fund with 75 percent of the proceeds in the 2017-19 biennium.

Roll call on Assembly Bill No. 486:

YEAS—21.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

SPECIAL ORDERS OF THE DAY

VETO MESSAGES OF THE GOVERNOR

The hour of 11:30 a.m. having arrived, vetoed Senate Bills Nos. 265, 384, 397 of the 79th Session were considered.

Vetoed Senate Bill No. 265.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

June 2, 2017

THE HONORABLE AARON D. FORD, *Nevada State Senate*
401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 265, which is entitled:

AN ACT relating to prescription drugs; requiring the Department of Health and Human Services to compile a list of prescription drugs essential for treating diabetes in this State; requiring the manufacturer of a prescription drug included on the list to report certain information to the Department; requiring a manufacturer to notify the Department in advance of planned price increases for such drugs; requiring a manufacturer of prescription drugs to submit a list of each pharmaceutical sales representative who markets prescription drugs to certain persons in this State; prohibiting a pharmaceutical sales representative who is not included on such a list from marketing prescription drugs on behalf of a manufacturer; requiring each pharmaceutical sales representative included on such a list to report certain information to the Department; requiring certain nonprofit organizations to report to the Department certain information concerning contributions received from drug manufacturers, insurers and pharmacy benefit managers or trade and advocacy groups for such entities; requiring the Department to place certain information on its Internet website; authorizing the Department to impose an administrative penalty in certain circumstances; requiring a private school to allow a pupil to keep and self-administer certain drugs; requiring certain insurers to provide.

S.B. No. 265 contains provisions that are well-intentioned relating to legitimate concerns regarding access to affordable health care. Health care costs for patients with chronic diseases, particularly diabetes, are escalating, and in many cases prohibitively so. Rising costs mean that fewer Nevadans have access to critical—even lifesaving—health care options. Threatening to diminish the quality of life for families across our State. To be clear, I support efforts to slow these rising costs, and share the belief that greater transparency in the marketplace can be a contributing factor to more affordable care options and can support other public policy goals.

While certain aspects of this bill are laudable, including provisions benefiting students suffering from diabetes, S.B. No. 265 also poses serious risks of unintended and potentially detrimental consequences for Nevada's consumer patients, not the least of which is the possibility that access to critical care will become more expensive, more restricted, and less equitable. S.B. No. 265 fails to account for market dynamics that are inextricably linked to health care delivery and access to prescription drugs. This failure cannot be overlooked, and it could cause more harm than good for Nevada's families.

For example, S.B. No. 265 requires a manufacturer of certain prescription drugs, such as insulin, to provide a public, 90-day notice of any potential increase in the price of diabetes drugs. By requiring an advance notice of a change in price before the change is effective, this bill may create a perverse incentive for some market participants to manipulate supply in order to maximize profits. S.B. No. 265 would inevitably provide purchasers, wholesalers, and secondary distributors of health care products an even greater financial motivation to restrict access to health care products. This could potentially lead to stockpiling of drugs or other artificial mechanisms for adjusting the supply of medication based on the guarantee of higher profits in the future. In short, S.B. No. 265 risks creating a "buy-low, sell-high" culture with

regard to diabetes medication, which will only serve to exacerbate access-to-care challenges in Nevada.

The price-increase notice requirements in S.B. No. 265 will also spur the growth of the so-called "gray market" in health care products. In that gray market, the choice to sell critical shortage drugs to the highest bidder will be all the more attractive, particularly when states with less stringent rules and regulations are involved. This scenario could leave more Nevadans with higher costs, fewer choices, and less access to the medicine they need. For these reasons, S.B. No. 265 threatens to create undesirable incentives that could result in drug stockpiling, artificially inflated drug prices, and an expanded gray market for prescription drugs, thereby perpetuating the very problems S.B. No. 265 was meant to solve.

Moreover, S.B. No. 265 wholly ignores the role of pharmacy benefit managers (PBMs) and other participants along the prescription drug supply chain. S.B. No. 265 focuses exclusively on increasing transparency at the first stage of a complex process and not the others. By excluding other relevant participants from its requirements to publish pricing information, the bill provides an incomplete pricing picture for patient consumers. Complete transparency would shed light on every state of the prescription drug supply process, and require all participants to share the same disclosure responsibility. The selective and narrow approach reflected in this bill is unlikely to achieve sound public policy solutions for patients in Nevada.

In addition, constitutional and other legal concerns have been raised that render the bill problematic. Among other issues, S.B. No. 265 could be challenged under theories of federal preemption, the Fifth Amendment's prohibition on uncompensated takings, and the Dormant Commerce Clause. And while the ultimate disposition of any legal claim challenging S.B. No. 265 would be for the courts to decide, lengthy and expensive litigation and legal uncertainty could destabilize the market for diabetes drugs and jeopardize a now secure supply of these drugs.

Finally, there is insufficient evidence that S.B. No. 265 will in fact lead to lower drug costs. While other states are considering policies similar to those reflected in this bill, the results to date are inconclusive. Before I support a bill as uncertain as S.B. No. 265, which deals so directly and extensively with the health and well-being of countless Nevadans, there must be compelling evidence that the benefits are worth the risks. No convincing evidence has been offered to justify S.B. No. 265's nascent, unproven and disruptive change to public health policy.

Having reviewed the legislative record, testimony from committee hearings, and hundreds of constituent calls and letters, it is clear that there are others with deep concerns regarding this bill. In addition, many groups have opposed S.B. No. 265, including the Epilepsy Foundation, the Nevada Cancer Research Foundation, the Biotechnology Innovation Organization, and the Neuropath Action Foundation.

For these reasons, I veto S.B. No. 265 and return it without my signature or approval.

Sincerely,

BRIAN SANDOVAL
Governor of Nevada

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Ford moved no further consideration of vetoed Senate Bill No. 265.

Motion carried.

Vetoed Senate Bill No. 384.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

June 3, 2017

THE HONORABLE AARON D. FORD, *Nevada State Senate*
401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 384, which is entitled:

AN ACT relating to public records; providing for the confidentiality of certain information in the records and files of public employee retirement systems; and providing other matters properly relating thereto.

S.B. No. 384 has merit. Protecting public employees' personal information from misuse, and adding greater clarity to the law related to public records are worthy endeavors. But S.B. No. 384 seeks to achieve its goals by limiting the public's right to access public information, upsetting the established balance between privacy and transparency.

In deciding how to balance these competing interests, the public's right to know cannot be compromised absent a compelling case that such limits are justified and in the public interest. S.B. No. 384 does not overcome this significant test in favor of less transparency. Although the proponents raised the possibility of identity theft, there is no assurance that S.B. No. 384 would actually prevent such risk.

And while there is a need for greater legal certainty in this area of the law, it is unlikely that S.B. No. 384 would lead to fewer disputes. Litigation over public records is often fact specific, and no matter how bright the statutory lines, there will always be factual disputes that the statutes do not contemplate and the courts with need to clarify.

In short, the dilution of the public's right to know must be accompanied by a compelling interest or distinct harm to personal information. The proponents of this bill have not demonstrated such a compelling interest or harm.

For these reasons, I veto S.B. No. 384 and return it without my signature or approval.

Sincerely,

BRIAN SANDOVAL
Governor of Nevada

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Ford moved no further consideration of vetoed Senate Bill No. 384.

Motion carried.

Vetoed Senate Bill No. 397.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

June 3, 2017

THE HONORABLE AARON D. FORD, *Nevada State Senate*
401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 397, which is entitled:

AN ACT relating to employment; requiring certain penalties and fines imposed by the Nevada Equal Rights Commission for certain unlawful discriminatory practices to be deposited in the State General Fund; requiring civil penalties imposed by the Nevada Equal Rights Commission for certain unlawful employment practices to be deposited in the Nevada Equal Rights Commission Gift Fund for certain purposes;

making it an unlawful employment practice for an employer, employment agency or labor organization to discriminate against a person for inquiring about, discussing or disclosing information about wages in certain circumstances; revising provisions relating to unlawful employment practices; revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; authorizing a person who has been injured by an unlawful employment practice relating to discussing or disclosing information about wages to file a complaint with the Nevada Equal Rights Commission; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

The purpose behind S.B. No. 397 is good. I too support efforts to end gender-based employment discrimination wherever it exists. There are provisions in the bill, such as prohibiting employees from being punished for inquiring about their coworker's pay, that are good policy. But S.B. No. 397 goes too far. It expands the authority and jurisdiction of the Nevada Equal Rights Commission (the "Commission") beyond that which is necessary and encroaches upon matters better reserves with the courts.

S.B. No. 397 builds upon protections against discrimination already in place. Currently, Nevada law makes such gender-based discrimination unlawful and provides a process by which aggrieved persons can receive redress through the Commission. Existing law also empowers the Commission to order a cease and desist of unlawful employment discrimination, and to restore certain rights and benefits that were lost due to the discriminatory conduct.

S.B. No. 397 preserves this process, but it also substantially increases the amount of damages and penalties at stake, and extends the time frame by which these claims can be made. In particular, the Commission may impose civil penalties up the \$25,000 on top of compensatory damages and attorney's fees for repeated and willful conduct.

In certain cases, such relief may be called for, but the Commission is not the proper venue to make those determinations. Instead, such disputes should be resolved through the courts where a defendant's due process rights are fully protected and a proper forum for higher stake litigation can be adjudicated.

It was concern over the Commission's expanded disciplinary powers, enhanced penalties, and the uncertainty of an increase in the filing of frivolous complaints that generated significant opposition to this bill from Nevada's broad business community. The opposition included the Las Vegas Metro Chamber of Commerce, the Henderson Chamber of Commerce, the Reno-Sparks Chamber of Commerce, the Nevada Accountability Inc., the Nevada Franchised Auto Dealers Association, the Retail Association of Nevada, the Nevada Restaurant Association, the Nevada Chapter of Associated General Contractors of America, and the Nevada Contractor's Association.

For these reasons, I veto S.B. No. 397 and return it without my signature or approval.

Sincerely,
BRIAN SANDOVAL
Governor of Nevada

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Ford moved no further consideration of vetoed Senate Bill No. 397.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that Assembly Bill No. 499 be taken from the General File and placed on the General File, last Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 206.

Bill read third time.

Remarks by Senators Spearman, Settlemeyer, Gansert, Atkinson, Kieckhefer and Roberson.

SENATOR SPEARMAN:

Assembly Bill No. 206 provides that the Public Utilities Commission of Nevada (PUCN) may authorize an electric utility to establish a program to provide a retail customer of the utility the option to purchase electricity from a renewable-energy facility owned by the utility or with which the utility has a contract for the purchase of electricity.

The measure revises the portfolio standard for Calendar Year 2018 and each calendar year thereafter so that by Calendar Year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire or save electricity from renewable-energy systems or efficiency measures not less than 40 percent of the total amount of electricity sold by the provider to its retail customers during that calendar year. The bill revises the manner in which providers of electric service may comply with the portfolio standard. The measure also modifies the qualifications of a renewable-energy system for purposes of the portfolio standard.

Further, the bill expands the definition of "provider of electric service" for the purpose of compliance with the portfolio standard. The portfolio standard is applicable to providers of new electric resources, and the measure revises the limits on energy-efficiency measures used to comply with the portfolio standard.

Assembly Bill No. 206 requires certain providers of electric service to submit annual reports demonstrating progress toward compliance with the portfolio standard to the Director of the Office of Energy. It specifies that compliance with the portfolio standard will not make certain providers subject to the jurisdiction of the PUCN, and requires the PUCN to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard.

Finally, the PUCN is prohibited from rejecting any portion of a resources plan or of an amendment to such a plan that includes a new renewable-energy contract or the construction or acquisition of a new renewable-energy facility for the purpose of complying with the utility's portfolio standard solely on the grounds of the uncertainty relating to the 2018 ballot question concerning "Energy Choice."

I met with members of a chamber of commerce in India where they are doing this and much more. Nevada has the opportunity to catch up and to become a leader in the rest of the world in this area, and I encourage my colleagues to support this bill.

SENATOR SETTELMAYER:

We have supported numerous bills dealing with renewable energy this Session; however, I cannot support this bill. All of the bills added together could have a negative effect on the ratepayers as well as the businesses of the State. That could lead to a situation where people will not be able to move here or may have to move away due to higher energy costs. I am concerned with the aspect within the bill that the PUCN will not be able to do their job because we, as a Legislature, have hamstrung them by telling them they cannot deny projects based on certain parameters. Businesses need to look at all parameters, whether they are going to install a particular project or not. This could be renewable energy or other projects. We need to look at all the aspects that will affect our ratepayers. This bill does not do that; therefore, I cannot support it.

SENATOR GANSERT:

The Legislature has demonstrated strong support for renewable energy in passing numerous pieces of legislation. Our renewable portfolio standard (RPS) is now strong, and we had a ballot measure that passed with strong numbers. What we are looking at is having that energy choice measure on the ballot again, and I expect it too will pass. Energy, by nature, has become more regional versus defined by state boundaries. We are not looking at the regional nature with this bill. I am concerned about stranded assets and the costs to ratepayers. We will have energy

choice in the near future and individuals will be able to choose if they want more renewable energy or not. The standards we have in place are strong, and because of our geography, we have an advantage and will continue to see renewable energy developed whether or not it is mandated at higher levels than it is now. Energy has become more regional in the way we are interconnected with other states, and we need to make sure we are looking at the bigger picture not just within the borders of Nevada. I support renewable energy, but I cannot support this bill.

SENATOR ATKINSON:

The floor statement for the bill states that it requires the PUCN to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard. There was a lot of debate after last Session that the Legislature did not give the PUCN good direction on how we wanted it to lead in this State or what we wanted it to do for us. I agree with this, and last Session was an indicator of that. This bill seeks to give them clear direction in crafting policy.

There has been a lot of debate this Session regarding energy. We have not, however, been able to ascertain a directed number to the ratepayer. Everyone in this Body is concerned about the ratepayer; that has come up in every discussion related to energy every time the topic is raised. We have voted in favor of 19 bills, so I am not sure why this bill has been singled out for concern about how it might affect our ratepayers. We have never been given a good number from anyone to suggest what this does or does not do. This is good policy. There are two sides to this story, and there is another industry that would like to take this in a different direction, but this is the direction in which we can go. Is it perfect? Absolutely not, a lot of bills we do in this Body are not perfect, but many people are dedicated to continue to work on these issues including the Governor's Choice Committee. This is a good step in the right direction.

SENATOR KIECKHEFER:

I oppose Assembly Bill No. 206. I have concerns about the timing and whether this is the correct moment to do this while we still have a final decision to await from the voters on energy deregulation and energy choice. The aggressiveness of the RPS and the cost it is going to have on customers is something we can debate, and it is uncertain at this time, but there is a cost. I also have concerns about the way this legislation treats customers who have exited through the 704b process having an understanding of what the standard was and having paid a substantial exit fee to do so. To loop them into a new requirement, that seems unfair and potentially legally questionable.

SENATOR SPEARMAN:

I appreciate the comments that have been made to show a different opinion on this bill. We hear that we do not know what is going to happen with the vote in 2018, and that is correct; we do not even know if the incumbent utility will be here after that. There are still concerns about how this will affect the 704b customers. We have worked on that and it is part of the amendment we put forth yesterday.

We are moving toward a more regional program, and that is one of the reasons Nevada must take a leadership role right now. We will either take a leadership role, or by default, we will be followers. We can lead in this effort, and I believe we should.

The PUCN has consistently been at the table, testifying about what will or will not happen as a result of this legislation. They are always neutral in supporting the bill, but they have not said there will be a devastating effect on the ratepayer. We do know that as the PUCN's duties increase, rates will increase, and they will increase if all 26 of these bills pass both Houses and the Governor signs them into law so Nevada is the leader we should be. If all 26 of these bills pass, rates for ratepayers will increase a whopping 1 to 4 cents per month. We have the opportunity to lead. I urge my colleagues to say: "Nevada, let's get with it!"

SENATOR SETTELMEYER:

I worked with the Senator from District No. 4 on Senate Bill No. 405 which was also a collaborative effort with the Governor's Office. It provides clear direction to PUCN on what we should do regarding renewable energy. I did not see the same level of involvement from many different parties on Assembly Bill No. 206. The voters in my district voted on the concept of

having a choice and the ability to buy power from someone else. In other districts it may have been the choice to have renewable energy. We cannot know for a fact what was in the minds of the voters, but we know within Assembly Bill No. 206 that currently, under net metering, 3 percent equals 26 cents. If we extrapolated that to get to 50 percent, think about what that does to our ratepayers. The PUCN was not at the table in regards to Assembly Bill No. 206; they did not testify. I find that compelling.

SENATOR ROBERSON:

My colleague from Senate District No. 1 stated that if all 26 bills were signed and passed by the Governor, ratepayer rates would go up by 1 cent to 4 cents per month. I would like some backup data for that statement.

SENATOR SPEARMAN:

My comments were qualified with the caveat that the PUCN came to the table in Assembly Ways and Means and when asked if they had to expand resources when all 26 of these bills were passed, what would be the effect of increasing responsibilities? The response was between 1 cent and 4 cents. That was the caveat. If the PUCN has to expand resources in order to deal with all 26 of these bills, the answer was 1 cent to 4 cents. Please remember the caveat.

SENATOR ROBERSON:

I did not hear the caveat. Even if there is a caveat, we are talking about the resource expansion of PUCN and the cost to ratepayers for that. What about the cumulative effect of the 26 bills if they were to be signed by the Governor? Talking about 1 cent to 4 cents based on the expansion of a bureaucratic agency is not the whole picture; it is a miniscule sliver of the entire picture. We should be intellectually honest about what we are doing and what we are voting on.

SENATOR ATKINSON:

My colleague from District No. 1 was spot on. The Senator from District No. 17 and I worked well together, and I appreciate his friendship. I would like to respond to his comments. Question 3 is uncertain because it has not happened and has not gone through its cycle. It is on our radar, and we can assume what we think will happen in 2018. To continue to wait is the same answer we gave last Session. We kicked the can down the road and wanted to wait to see what would happen. When do we stop waiting? When? Are we going to wait until 2018, then, wait for another vote and, then, wait for another two years before implementation? When do we stop waiting? Everyone in the Country is waiting for Nevada to lead on this. To tell us we need to keep waiting is not good policy. It is not a good answer, and it is not a good way to make us number one in this Country. I am often around others in my role as a leader of CSG national chair. I am always asked why Nevada is not the leader in this area. The reason we are not, is because we keep waiting for fictitious things. It is time for us to push these buttons and make sure Nevada is number one. I will be pressing the green button, today, because I am tired of waiting, and I am not going to make our constituents wait any longer.

Senators Ford, Cannizzaro and Woodhouse moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 206.

Roll call on Assembly Bill No. 206:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Assembly Bill No. 206 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 Assembly Bill No. 499 be taken from the General File, last Agenda and placed at the bottom of the General File, this Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 499.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 499 appropriates \$500,000 from the State General Fund to the State Claims Account, \$2 million from the State General Fund to the Reserve for Statutory Contingency Account and \$7 million from the State General Fund to the Contingency Account to restore account balances.

Roll call on Assembly Bill No. 499:

YEAS—21.

NAYS—None.

Assembly Bill No. 499 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 344.

The following Assembly amendments were read:

Amendment No. 881.

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 are or appear to be ~~candy~~ lollipops or may appeal to children; ~~requiring~~ establishing certain requirements for the production, packaging and labeling of products by 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; establishing limits on the quantity of marijuana for recreational use that may be sold in a single package; establishing certain restrictions on advertising by a recreational

marijuana establishment; prohibiting regulation of certain matters relating to marijuana which is more restrictive than or conflicts with state law or regulation by a local government; 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.]~~ and establishes certain other requirements for such products. 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 ~~is or appears to be [candy]~~ a lollipop 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 ~~[.]~~ and establishes certain other requirements for the production, packaging and labeling of an edible marijuana product or marijuana-infused product by such a facility. 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 of certain information, including, 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.]~~ requires at least one employee of a facility for the production of edible marijuana products or marijuana-infused products or a medical marijuana dispensary which sells edible marijuana products to be certified to handle food in certain circumstances.

Section 2 of this bill establishes similar requirements for recreational marijuana establishments at a future date. Additionally, section 2 requires each marijuana 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 2 also imposes certain requirements for and restrictions on advertising by a recreational marijuana establishment.

Sections 3-8 of this bill prohibit a local government from regulating a marijuana establishment or medical marijuana establishment in a manner which is more restrictive than or conflicts with a law or regulation of this State.

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}~~ :

~~(1) As medical marijuana~~

~~2.} with the words "THIS IS A MEDICAL MARIJUANA PRODUCT" in bold type; and {as}~~

~~(2) 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} contains an image of a cartoon character, mascot, action figure, balloon {, fruit} or toy {,} , except that such an item may appear in the logo of the facility for the production of edible marijuana products or marijuana-infused products which produced the product.~~

(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}~~ amount of THC in the product, measured in ~~{servings of a maximum of 10 milligrams per serving,}~~ milligrams, 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.

~~(g) Are not labeled or marketed as candy.~~

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.~~

~~—3.1~~ 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]~~ Is or appears to be [candy] a lollipop.

(b) ~~[Is similar in appearance to]~~ Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon [character, mascot, action figure, balloon, fruit or toy], or artistic rendering.

(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 ~~[.]~~ other than dried fruit, nuts or granola.

~~[4.]~~ 3. A facility for the production of edible marijuana products or marijuana-infused products shall [seal] :

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the edible marijuana product;

(3) A list of all allergens in the edible marijuana product; and

(4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

~~5.4~~ 4. 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.

~~6.4~~ 5. 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.

~~7.4~~ 6. A medical marijuana dispensary shall ~~include~~ :

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser ~~to~~ :

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children ~~to~~ ;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

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.]~~ If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.

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~~ :

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and ~~as~~

(2) 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~~ contains an image of a cartoon character, mascot, action figure, balloon ~~, fruit~~ or toy ~~, ,~~, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.

(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 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.

(g) Are not labeled or marketed as candy.

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~~ 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than ~~400~~ 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than ~~400~~ 100 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~~ 800 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~~ 800 milligrams of THC per package.

(f) For any other marijuana product, more than ~~400~~ 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) ~~Appears~~ Is or appears to be ~~candy~~ a lollipop or ice cream.

(b) ~~Is similar in appearance to~~ Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon ~~character, mascot, action figure, balloon, fruit or toy~~ or artistic rendering.

(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 ~~or~~ other than dried fruit, nuts or granola.

4. A marijuana product manufacturing facility shall ~~seal~~ :

(a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the marijuana product;

(3) A list of all allergens in the marijuana product; and

(4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.

(d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.

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~~ ~~include~~ :

(a) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser ~~to~~ :

(1) To keep marijuana and marijuana products out of the reach of children ~~to~~ ;

(2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

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.~~ If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products; or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; or

(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry.

(d) Shall not advertise or offer any marijuana or marijuana product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older".

10. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and

(c) Any stationary or moving display that is located on or near the premises of a marijuana establishment.

Sec. 3. 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 enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 4. 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, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, and section 3 of this act, 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. 5. 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, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 6. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, 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, and section 5 of this act, 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. 7. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the unincorporated town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 8. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, and section 7 of this act, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 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 must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners 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.

~~{Sec. 3.}~~ Sec. 9. 1. This section and ~~{section}~~ sections 1 and 3 to 8, inclusive, of this act become effective on July 1, 2017.

2. Section 2 of this act becomes effective on January 1, 2020.

Amendment No. 1114.

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; prohibiting the production of edible marijuana products or marijuana-infused products that are or appear to be lollipops or may appeal to children; establishing certain requirements for the production, packaging and labeling of products by a facility for the production of edible marijuana products or marijuana-infused products; 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; establishing similar provisions for recreational marijuana establishments with a delayed effective date; establishing limits on the quantity of marijuana for recreational use that may be sold in a single package; establishing certain restrictions on advertising by a recreational marijuana establishment; prohibiting regulation of certain matters relating to marijuana which is more restrictive than or conflicts with state law or

regulation by a local government; 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 and establishes certain other requirements for such products. 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 is or appears to be a lollipop 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 and establishes certain other requirements for the production, packaging and labeling of an edible marijuana product or marijuana-infused product by such a facility. 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 of certain information, including, 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 requires at least one employee of a facility for the production of edible marijuana products or marijuana-infused products or a medical marijuana dispensary which sells edible marijuana products to be certified to handle food in certain circumstances.

Section 2 of this bill establishes similar requirements for recreational marijuana establishments at a future date. Additionally, section 2 requires each marijuana 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 2 also imposes certain requirements for and restrictions on advertising by a recreational marijuana establishment.

Sections 3-8 of this bill prohibit a local government from regulating a marijuana establishment or medical marijuana establishment in a manner which is more restrictive than or conflicts with a law or regulation of this State.

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}~~ :

(1) As medical marijuana ~~{-~~

~~—2.}~~ with the words "*THIS IS A MEDICAL MARIJUANA PRODUCT*" in bold type; and

(2) 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.}~~ contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the facility for the production of edible marijuana products or marijuana-infused products which produced the product.

(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 amount of THC in the product, measured in milligrams, 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-}~~ Division by regulation.

(g) Are not labeled or marketed as candy.

2. A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(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 other than dried fruit, nuts or granola.

3. A facility for the production of edible marijuana products or marijuana-infused products shall:

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

- (1) The words "Keep out of reach of children";
- (2) A list of all ingredients used in the edible marijuana product;
- (3) A list of all allergens in the edible marijuana product; and
- (4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

4. 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.

5. 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.

6. A medical marijuana dispensary shall:

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser:

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

8. If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.

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:

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and

(2) As required by this chapter and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.

(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 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.~~
Department by regulation.

(g) Are not labeled or marketed as candy.

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 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than 100 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 800 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 800 milligrams of THC per package.

(f) For any other marijuana product, more than 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) Is or appears to be a lollipop or ice cream.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(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 other than dried fruit, nuts or granola.

4. A marijuana product manufacturing facility shall:

(a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the marijuana product;

(3) A list of all allergens in the marijuana product; and

(4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.

(d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.

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:

(a) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser:

(1) To keep marijuana and marijuana products out of the reach of children;

(2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

8. If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products; or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; or

(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry.

(d) Shall not advertise or offer any marijuana or marijuana product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older".

10. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) *The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;*

(b) *Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and*

(c) *Any stationary or moving display that is located on or near the premises of a marijuana establishment.*

Sec. 3. 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 enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:*

(a) *The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;*

(b) *The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;*

(c) *The use of pesticides in the cultivation of marijuana;*

(d) *The tracking of marijuana from seed to sale;*

(e) *The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;*

(f) *The issuance or verification of a registry identification card, letter of approval or written documentation;*

(g) *The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or*

(h) *The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.*

2. *As used in this section:*

(a) *"Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.*

(b) *"Letter of approval" has the meaning ascribed to it in NRS 453A.109.*

(c) *"Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.*

(d) *"Marijuana products" has the meaning ascribed to it in NRS 453D.030.*

(e) *"Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.*

(f) *"Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.*

(g) *"Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.*

(h) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

(i) *"Written documentation" has the meaning ascribed to it in NRS 453A.170.*

Sec. 4. 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, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, *and section 3 of this act*, 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. 5. 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, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:*

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. *As used in this section:*

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) *"Marijuana products" has the meaning ascribed to it in NRS 453D.030.*

(e) *"Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.*

(f) *"Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.*

(g) *"Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.*

(h) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

(i) *"Written documentation" has the meaning ascribed to it in NRS 453A.170.*

Sec. 6. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, 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, *and section 5 of this act*, 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. 7. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:*

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the unincorporated town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. *As used in this section:*

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) *"Written documentation" has the meaning ascribed to it in NRS 453A.170.*

Sec. 8. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, *and section 7 of this act*, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 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 must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners 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.

Sec. 9. 1. This section and sections ~~11 and~~ 3 to 8, inclusive, of this act become effective on July 1, 2017.

2. Section 1 of this act becomes effective on October 1, 2017.

3. Section 2 of this act becomes effective on January 1, 2020.

Senator Segerblom moved that Senate Bill No. 344 be taken from the Unfinished Business File and placed on the Unfinished Business File, last Agenda.

Motion carried.

RECEDE FROM SENATE AMENDMENTS

Senator Segerblom moved that the Senate recede from its action on Assembly Bill No. 420.

Motion carried by a two-thirds majority.

Bill ordered transmitted to the Assembly.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:05 p.m.

SENATE IN SESSION

At 1:58 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 1148 to Assembly Bill No. 413 and Amendment No. 1151 to Assembly Bill No. 422.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 4, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 74, 155, 390, 443, 445, 467, 482, 500, 503, 511, 514, 522, 527, 528, 529, 530, 531, 532, 536, 537, 549, 551, 552.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 478, Amendment No. 1101; Senate Bill No. 492, Amendment No. 1136, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendments Nos. 950, 1123 to Assembly Bill No. 29; Senate Amendment No. 1088 to Assembly Bill No. 49; Senate Amendment No. 1129 to Assembly Bill No. 69; Senate Amendment No. 877 to Assembly Bill No. 80; Senate Amendment No. 1111 to Assembly Bill No. 130; Senate Amendment No. 1107 to Assembly Bill No. 183; Senate Amendment No. 986 to Assembly Bill No. 309; Senate Amendment No. 1109 to Assembly Bill No. 326; Senate Amendments Nos. 1049, 1124 to Assembly Bill No. 362; Senate Amendment No. 771 to Assembly Bill No. 375; Senate Amendment No. 1100 to Assembly Bill No. 405; Senate Amendment No. 1105 to Assembly Bill No. 421; Senate Amendment No. 1121 to Assembly Bill No. 498; Senate Amendment No. 1122 to Assembly Bill No. 500.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 442, Assembly Amendment No. 1106.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 69, Assembly Amendment No. 1014, and requests a conference, and appointed Assemblymen Yeager, Benitez-Thompson and Oscarson as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Ohrenschall, Cohen and Krasner as a Conference Committee concerning Assembly Bill No. 25.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Benitez-Thompson, Araujo and Woodbury as a Conference Committee concerning Assembly Bill No. 454.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bills Nos. 258, 432; Assembly Bill No. 249.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 444, Amendment No. 1142; Senate Bill No. 548, Amendment No. 1141, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Segerblom moved that Senate Bill No. 344 be taken from the Unfinished Business File, last Agenda, and placed on the Unfinished Business File, second Agenda.

Motion carried.

Senator Segerblom moved that Assembly Bill No. 413 be taken from the Secretary's desk and placed on the General File, second Agenda.

Motion carried.

Senator Ford moved that Assembly Bill No. 52 be taken from the Secretary's desk and placed on the General File, third Agenda.

Motion carried.

Pursuant to Senate Standing Rule No. 112.3, Senator Hardy requested his name be removed as a sponsor to Senate Bill No. 539.

Pursuant to Senate Standing Rule No. 112.3, Senator Hammond requested his name be removed as a sponsor to Senate Bill No. 539.

Pursuant to Senate Standing Rule No. 112.3, Senator Kieckhefer requested his name be removed as a sponsor to Senate Bill No. 539.

Pursuant to Senate Standing Rule No. 112.3, Senator Harris requested her name be removed as a sponsor to Senate Bill No. 539.

Pursuant to Senate Standing Rule No. 112.3, Senator Gustavson requested his name be removed as a sponsor to Senate Bill No. 539.

GENERAL FILE AND THIRD READING

Assembly Bill No. 413.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 1148.

SUMMARY—Makes various changes relating to electronic documents and electronic signatures. (BDR 12-597)

AN ACT relating to electronic documents; establishing provisions relating to electronic wills and trusts; revising provisions governing electronic notaries public; authorizing electronic notaries public to perform authorized electronic notarial acts remotely using audio-video communication; establishing provisions concerning electronic documents relating to real property located in this State; authorizing the Secretary of State to require notaries public registering as electronic notaries public to complete an online course on electronic notarization; increasing the amount of the fees authorized to be charged by an electronic notary public for the performance of certain electronic notarial acts and authorizing the collection of a fee to recover certain costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to electronic wills. (NRS 132.119, 133.085, 136.185) Sections 10-17 of this bill establish various other provisions relating to electronic wills. Sections 8 and 19 of this bill revise the description of an electronic will and section 10 establishes the circumstances in which an electronic will is self-proving. Sections 11 and 12 establish the qualifications and duties of a qualified custodian of an

electronic will, who is required to store electronic records of electronic wills in a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record. Sections 13 and 14 set forth the circumstances in which a qualified custodian is authorized to cease serving in such a capacity. Section 15 establishes provisions concerning affidavits relating to the creation of a certified paper original of an electronic will, which section 3 of this bill generally defines as a tangible document containing the text of an electronic will. Section 16 sets forth provisions relating to the ability of an electronic notary public or other notarial officer to perform certain notarial acts. Section 17 establishes various provisions for purposes relating to the execution and filing of any document with a court in any proceeding relating to an electronic will and for certain other purposes.

Section 18 of this bill establishes requirements relating to a declaration or affidavit of a witness to an electronic will. Section 20 of this bill provides the methods by which an electronic will may be revoked. Section 21 of this bill sets forth provisions relating to the jurisdiction in which an electronic will may be proved and the admittance of a certified paper original of an electronic will to probate.

Sections 23-28 of this bill revise provisions relating to trusts. Section 24 provides that a video recording or other electronic record may be admissible in court as evidence of certain issues relating to a trust, and section 28 revises the description of an electronic trust.

Existing law establishes the Electronic Notary Public Authorization Act pursuant to which an electronic notary public appointed by the Secretary of State is authorized to perform electronic notarial acts. (NRS 240.181-240.206) Section 39 of this bill renames the act as the Electronic Notarization Enabling Act and section 45 of this bill requires electronic notaries public to register with, instead of be appointed by, the Secretary of State. Section 35 of this bill: (1) authorizes an electronic notary public to perform authorized electronic notarial acts remotely using audio-video communication, which section 30 of this bill generally defines as communication by which a person is able to see, hear and communicate with another person in real time using electronic means; and (2) sets forth certain requirements relating to such electronic notarial acts. Section 36 of this bill authorizes an electronic notary public to perform an electronic notarial act using audio-video communication for a person located: (1) in this State; (2) outside this State but within the United States; or (3) in certain circumstances, outside the United States.

Section 37 of this bill requires an electronic notary public to arrange for a recording to be made of each electronic notarial act performed using audio-video communication and to give all participating persons advance notice of the recording. Section 37 also requires the recording to be kept for not less than 7 years. Section 51 of this bill requires an electronic notary public to keep an electronic journal of each notarial act which he or she

performs and to maintain and protect the electronic journal at all times. Section 51 also provides that, except as otherwise provided by law, an electronic notary public is required to keep all required notarial records for a period of 7 years after the termination of the registration of the electronic notary public.

Section 38 of this bill establishes provisions relating to the confirmation of the identity of a person for whom an electronic notarial act is performed using audio-video communication. Section 50 of this bill requires an electronic notary public to render an electronic document that is the subject of an electronic notarial act tamper-evident.

Section 38.3 of this bill establishes provisions concerning electronic documents relating to real property located in this State.

Section 46.5 of this bill authorizes the Secretary of State to require a notary public who registers with the Secretary of State as an electronic notary public to complete an online course of study on electronic notarization. Section 38.7 of this bill establishes provisions relating to the completion of such a course of study.

Section 48 of this bill increases the amount of fees which an electronic notary public may charge for performing certain electronic notarial acts and authorizes an electronic notary public to charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in the electronic journal maintained by the electronic notary public. Section 48 also prohibits an electronic public who is an officer or employee of the State or a local government from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

Sections 56-60 of this bill delete certain provisions of Assembly Bill No. 476 of this session that are replaced with the provisions of sections 45, 46, 46.5, 51 and 52 of this bill, and section 61 of this bill provides that the provisions of this bill are intended to supersede any provisions of Assembly Bill No. 476 that conflict with the provisions of this bill.

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

Section 1. Chapter 132 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *Except as otherwise specifically provided in this title, the provisions of this title must be construed in a manner consistent with the provisions of chapter 719 of NRS.*

Sec. 3. *"Certified paper original" means a tangible document that contains the text of an electronic will and, if applicable, a self-proving affidavit concerning the electronic will.*

Sec. 4. *"Electronic notary public" has the meaning ascribed to it in NRS 240.186.*

Sec. 5. *"Qualified custodian" means a person who meets the requirements of section 11 of this act.*

Sec. 6. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, *and sections 3, 4 and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 132.117 is hereby amended to read as follows:

132.117 "Electronic record" means a record created, generated, *sent, communicated, received* or stored by electronic means.

Sec. 8. NRS 132.119 is hereby amended to read as follows:

132.119 "Electronic will" means ~~{a testamentary document that complies}~~ *an instrument, including, without limitation, a codicil, that is executed by a person in accordance with the requirements of NRS 133.085* ~~{}~~ *and which disposes of the property of the person upon or after his or her death.*

Sec. 9. Chapter 133 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 17, inclusive, of this act.

Sec. 10. 1. *An electronic will is self-proving if:*

(a) The declarations or affidavits of the attesting witnesses are incorporated as part of, attached to or logically associated with the electronic will, as described in NRS 133.050;

(b) The electronic will designates a qualified custodian to maintain custody of the electronic record of the electronic will; and

(c) Before being offered for probate or being reduced to a certified paper original that is offered for probate, the electronic will was at all times under the custody of a qualified custodian.

2. *A declaration or affidavit of an attesting witness made pursuant to NRS 133.050 and an affidavit of a person made pursuant to section 15 of this act must be accepted by a court as if made before the court.*

Sec. 11. *A qualified custodian of an electronic will:*

1. *Must not be an heir of the testator or a beneficiary or devisee under the electronic will.*

2. *Shall consistently employ, and store electronic records of electronic wills in, a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record.*

3. *Shall store in the electronic record of an electronic will each of the following:*

(a) A photograph or other visual record of the testator and the attesting witnesses that was taken contemporaneously with the execution of the electronic will;

(b) A photocopy, photograph, facsimile or other visual record of any documentation that was taken contemporaneously with the execution of the electronic will and provides satisfactory evidence of the identities of the testator and the attesting witnesses, including, without limitation, documentation of the methods of identification used pursuant to subsection 4 of NRS 240.1655; and

(c) An audio and video recording of the testator, attesting witnesses and notary public, as applicable, taken at the time the testator, each attesting witness and notary public, as applicable, placed his or her electronic signature on the electronic will, as required pursuant to paragraph (b) of subsection 1 of NRS 133.085.

4. Shall provide to any court that is hearing a matter involving an electronic will which is currently or was previously stored by the qualified custodian any information requested by the court pertaining to the qualifications of the qualified custodian and the policies and practices of the qualified custodian concerning the maintenance, storage and production of electronic wills.

Sec. 12. 1. With regard to an electronic record of an electronic will, a qualified custodian:

(a) Shall provide access to or information concerning the electronic will or the certified paper original of the electronic will only to:

(1) The testator or another person as directed by the written instructions of the testator; and

(2) After the death of the testator, the nominated personal representative of the testator or any interested person; and

(b) May, in the absolute discretion of the qualified custodian, destroy the electronic record at any time:

(1) Five or more years after the admission of any will of the testator to probate;

(2) Five or more years after the revocation of the electronic will;

(3) Five or more years after ceasing to serve as the qualified custodian of the electronic record of the electronic will pursuant to section 13 of this act;

(4) Ten or more years after the death of the testator; or

(5) One hundred and fifty years after the execution of the electronic will.

2. At the direction of a testator in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cancel, render unreadable or obliterate the electronic record.

Sec. 13. 1. A qualified custodian may cease serving in such a capacity by:

(a) If not designating a successor qualified custodian, providing to the testator:

(1) Thirty days' written notice that the qualified custodian has decided to cease serving in such a capacity; and

(2) The certified paper original of, and all records concerning, the electronic will.

(b) If designating a successor qualified custodian:

(1) Providing 30 days' written notice that the qualified custodian has decided to cease serving in such a capacity to:

(I) The testator; and

(II) *The designated successor qualified custodian; and*

(2) *Providing to the successor qualified custodian the electronic record of the electronic will and an affidavit which states:*

(I) *That the qualified custodian ceasing to act in such a capacity is eligible to act as a qualified custodian in this State and is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity by another qualified custodian pursuant to this paragraph;*

(II) *That an electronic record was created at the time the testator executed the electronic will;*

(III) *That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will and has not been altered since the time it was created; and*

(IV) *The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will.*

2. For purposes of making the affidavit pursuant to subparagraph (2) of paragraph (b) of subsection 1, a qualified custodian is entitled to rely conclusively on any affidavits provided by a predecessor qualified custodian if all such affidavits are provided to the successor qualified custodian.

3. Subject to the provisions of section 14 of this act, if the testator designates a successor qualified custodian in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cease serving in such a capacity and provide to the designated successor qualified custodian:

(a) *The electronic record; and*

(b) *The affidavit described in subparagraph (2) of paragraph (b) of subsection 1.*

4. If a qualified custodian is an entity, an affidavit of a duly authorized officer or agent of such entity constitutes the affidavit of the qualified custodian.

Sec. 14. 1. A person must execute a written statement affirmatively agreeing to serve as the qualified custodian of an electronic will before he or she may serve in such a capacity.

2. Except as otherwise provided in paragraph (a) of subsection 1 of section 13 of this act, a qualified custodian may not cease serving in such a capacity until a successor qualified custodian executes the written statement required by subsection 1.

Sec. 15. 1. Upon the creation of a certified paper original of an electronic will:

(a) *If the electronic will has always been in the custody of a qualified custodian, the qualified custodian shall state in an affidavit:*

(1) *That the qualified custodian is eligible to act as a qualified custodian in this State;*

(2) *That the qualified custodian is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity pursuant to paragraph (b) of subsection 1 of section 13 of this act;*

(3) *That an electronic record was created at the time the testator executed the electronic will;*

(4) *That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will, and has not been altered since the time it was created;*

(5) *The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will;*

(6) *That the certified paper original is a true, correct and complete tangible manifestation of the electronic will; and*

(7) *That the records described in subsection 3 of section 11 of this act are in the custody of the qualified custodian.*

(b) *If the electronic will has not always been under the custody of a qualified custodian, the person who discovered the electronic will and the person who reduced the electronic will to the certified paper original shall each state in an affidavit the following information, to the best of their knowledge:*

(1) *When the electronic will was created, if not indicated in the electronic will;*

(2) *When, how and by whom the electronic will was discovered;*

(3) *The identities of each person who has had access to the electronic will;*

(4) *The method in which the electronic will was stored and the safeguards in place to prevent alterations to the electronic will;*

(5) *Whether the electronic will has been altered since its execution; and*

(6) *That the certified paper original is a true, correct and complete tangible manifestation of the electronic will.*

2. *For purposes of making an affidavit pursuant to paragraph (a) of subsection 1, the qualified custodian may rely conclusively on any affidavits delivered by a predecessor qualified custodian.*

Sec. 16. 1. *Notwithstanding any other provision of law, an electronic notary public or other notarial officer may, for purposes of this title, including, without limitation, all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will:*

(a) *Notarize the signature or electronic signature of a person, as applicable, who is not in the physical presence of the electronic notary public or other notarial officer if the person is in his or her presence within the meaning of section 17 of this act; and*

(b) *Notarize any document relating to a will, codicil or testamentary trust.*

2. *This section must be liberally construed and applied to promote the purposes of NRS 133.085 and sections 10 to 17, inclusive, of this act.*

Sec. 17. 1. *For purposes of this title, including, without limitation, any declaration or affidavit made by an attesting witness as described in NRS 133.050, for all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will and for purposes of executing a power of attorney pursuant to NRS 162A.220, an advance directive or any document relating to an advance directive:*

(a) A person shall be deemed to be in the presence of or appearing before another person if such persons are in:

(1) The same physical location; or

(2) Different physical locations but can communicate with each other by means of audio-video communication.

(b) An electronic notary public may electronically notarize electronic documents, including, without limitation, documents constituting or relating to an electronic will, in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act.

(c) Any requirement that a document be signed may be satisfied by an electronic signature.

(d) If a provision of law requires a written record, an electronic record satisfies such a provision.

(e) Except as otherwise provided in subparagraph (3), regardless of the physical location of the person executing a document or of any witness, if a document is executed electronically, the document shall be deemed to be executed in this State and will be governed by the laws of this State and subject to the jurisdiction of the courts of this State if:

(1) The person executing the document states that he or she understands that he or she is executing, and that he or she intends to execute, the document in and pursuant to the laws of this State;

(2) The document states that the validity and effect of its execution are governed by the laws of this State;

(3) Any attesting witnesses or an electronic notary public whose electronic signatures are contained in the document were physically located within this State at the time the document was executed in accordance with this section; or

(4) In the case of a self-proving electronic will, the electronic will designates a qualified custodian who, at the time of execution:

(I) If a natural person, is domiciled in this State; or

(II) If an entity, is organized under the laws of this State or whose principal place of business is located in this State.

2. *Notwithstanding the provisions of subsection 1, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.*

3. *As used in this section:*

(a) "Advance directive" has the meaning ascribed to it in NRS 449.905.

(b) "Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

Sec. 18. NRS 133.050 is hereby amended to read as follows:

133.050 1. Any attesting witness to a will, *including, without limitation, an electronic will*, may sign a declaration under penalty of perjury or an affidavit before any person authorized to administer oaths in or out of the State, stating such facts as the witness would be required to testify to in court to prove the will. The declaration or affidavit must be written on the will or, if that is impracticable, on some paper attached thereto. *If the will is an electronic will, the declaration or affidavit must be in a record incorporated as part of, attached to or logically associated with the electronic will.* The sworn statement of any witness so taken must be accepted by the court as if it had been taken before the court.

2. The affidavit described in subsection 1 may be in substantially the following form:

State of Nevada }
 }ss.
 County of..... }
 (Date).....

Then and there personally appeared and, who, being duly sworn, depose and say: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

.....
 Affiant

.....
 Affiant

Subscribed and sworn to before me
 this ... day of the month of ... of the year ...

.....
 Notary Public

3. The declaration described in subsection 1 may be in substantially the following form:

Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned, ... and, declare that the following is true of their own knowledge: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the

presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

Dated this day of, ...

..... Declarant

..... Declarant

4. *If a testator or a witness signing an affidavit or declaration described in subsection 1 appears by means of audio-video communication, the form for the affidavit or declaration, as set forth in subsections 2 and 3, respectively, must be modified to indicate that fact.*

5. *As used in this section, "audio-video communication" has the meaning ascribed to it in section 17 of this act.*

Sec. 19. NRS 133.085 is hereby amended to read as follows:

133.085 1. An electronic will is a will of a testator that:

(a) Is ~~{written,}~~ created and ~~{stored}~~ maintained in an electronic record; and

(b) Contains the date and the electronic signature of the testator and which includes, without limitation, at least one *of the following*:

(1) *An authentication characteristic of the testator; and*

~~—(c) Is created and stored in such a manner that:~~

~~—(1) Only one authoritative copy exists;}~~

~~(2) The {authoritative copy is maintained and controlled by the testator or a custodian designated by the testator in the} electronic {will;} signature and electronic seal of an electronic notary public, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon; or~~

~~(3) {Any attempted alteration of the authoritative copy is readily identifiable; and~~

~~—(4) Each copy of the authoritative copy is readily identifiable as a copy that is not the authoritative copy.} The electronic signatures of two or more attesting witnesses, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon.~~

2. Every person of sound mind over the age of 18 years may, by last electronic will, dispose of all of his or her estate, real and personal, but the estate is chargeable with the payment of the testator's debts.

3. ~~{An electronic will that meets the requirements of this section is subject to no other form, and may be made in or out of this State. An electronic will is valid and has the same force and effect as if formally executed.~~

~~4. An electronic will shall be deemed to be executed in this State if the authoritative copy of the electronic will is:~~

~~—(a) Transmitted to and maintained by a custodian designated in the electronic will at the custodian's place of business in this State or at the custodian's residence in this State; or~~

~~—(b) Maintained by the testator at the testator's place of business in this State or at the testator's residence in this State.~~

~~—5.}~~ Except as otherwise provided in this section and sections 10 to 17, inclusive, of this act, all questions relating to the force, effect, validity and interpretation of an electronic will that complies with the provisions of this section and sections 10 to 17, inclusive, of this act must be determined in the same manner as a will executed in accordance with NRS 133.040.

4. The provisions of this section do not apply to a trust other than a trust contained in an electronic will.

~~{6.}~~ 5. As used in this section:

(a) "Authentication characteristic" means a characteristic of a certain person that is unique to that person and that is capable of measurement and recognition in an electronic record as a biological aspect of or physical act performed by that person. Such a characteristic may consist of a fingerprint, a retinal scan, voice recognition, facial recognition, *video recording*, a digitized signature or other *commercially reasonable* authentication using a unique characteristic of the person.

~~(b) {"Authoritative copy" means the original, unique, identifiable and unalterable electronic record of an electronic will.~~

~~—(c)}~~ "Digitized signature" means a graphical image of a handwritten signature that is created, generated or stored by electronic means.

(c) "Electronic seal" has the meaning ascribed to it in NRS 240.187.

Sec. 20. NRS 133.120 is hereby amended to read as follows:

133.120 1. A written will *other than an electronic will* may only be revoked by:

(a) Burning, tearing, cancelling or obliterating the will, with the intention of revoking it, by the testator, or by some person in the presence and at the direction of the testator; ~~{or}~~

(b) Another will or codicil in writing, executed as prescribed in this chapter ~~{;}~~ ; or

(c) *An electronic will, executed as prescribed in this chapter.*

2. *An electronic will may only be revoked by:*

(a) *Another will, codicil, electronic will or other writing, executed as prescribed in this chapter; or*

(b) *Cancelling, rendering unreadable or obliterating the will with the intention of revoking it, by:*

(1) *The testator or a person in the presence and at the direction of the testator; or*

(2) *If the will is in the custody of a qualified custodian, the qualified custodian at the direction of a testator in an electronic will.*

3. This section does not prevent the revocation implied by law from subsequent changes in the condition or circumstances of the testator.

Sec. 21. NRS 136.185 is hereby amended to read as follows:

136.185 1. An electronic will *executed or deemed to be executed in or pursuant to the laws of this State* may be proved ~~{by authentication~~

~~satisfactory to the court.] and letters granted in the county in which the decedent was a resident at the time of his or her death or the domicile or registered office of the qualified custodian exists.~~

2. A certified paper original of an electronic will may be offered for and admitted to probate in the same manner as if it were a will executed in accordance with NRS 133.040.

3. A certified paper original of an electronic will that is self-proving pursuant to section 10 of this act is presumed to be valid and, absent any objection, must be admitted to probate expeditiously without requiring any further proof of validity.

4. An electronic will that is executed or deemed to be executed in or pursuant to the laws of another state in accordance with the laws of the other state or of this State is a valid electronic will in this State.

Sec. 22. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. As used in this chapter, unless the context otherwise requires, when the terms "execute" or "sign" are used in reference to a will, trust or instrument to convey property, the terms include the use of an electronic signature.

Sec. 24. Subject to the provisions of any applicable court rules, a video recording or other electronic record may be admissible as evidence of:

1. The proper execution of a trust.

2. The intentions of a settlor.

3. The mental state or capacity of a settlor.

4. The authenticity of a trust.

5. Matters that are determined by a court to be relevant to the administration of a trust.

Sec. 25. NRS 163.0016 is hereby amended to read as follows:

163.0016 "Nontestamentary trust" means a trust , *including, without limitation, an electronic trust*, that is created and takes effect during the lifetime of the settlor.

Sec. 26. NRS 163.0018 is hereby amended to read as follows:

163.0018 "Testamentary trust" means a trust that is created by the terms of the will , *including, without limitation, the electronic will*, of a person.

Sec. 27. NRS 163.00185 is hereby amended to read as follows:

163.00185 "Trust instrument" means a will, trust agreement, declaration, or other instrument , *including, without limitation, an electronic trust*, that creates or defines the duties and powers of a trustee and shall include a court order or any instrument that modifies a trust instrument or, in effect, alters the duties and powers of a trustee or other terms of a trust instrument.

Sec. 28. NRS 163.0095 is hereby amended to read as follows:

163.0095 1. An electronic trust is a trust instrument that:

(a) Is ~~written,~~ created and ~~stored,~~ *maintained* in an electronic record ~~;~~ in such a manner that any alteration thereto is detectable;

(b) Contains the electronic signature of the settlor ~~{;}~~ and the date and time thereof;

(c) Includes, without limitation, an authentication method which is attached to or logically associated with the trust instrument to identify the settlor or is electronically notarized in accordance with all applicable provisions of law;

(d) Is subject to the provisions of chapter 719 of NRS; and

(e) Meets the requirements set forth in this chapter for a valid trust.

2. ~~{An}~~ Regardless of the physical location of the settlor, an electronic trust shall be deemed to be executed in this State and will be governed by the laws of this State and subject to the jurisdiction of the courts of this State if the electronic trust is:

(a) Transmitted to and maintained by a custodian designated in the trust instrument at the custodian's place of business in this State or at the custodian's residence in this State; or

(b) Maintained by the settlor at the settlor's place of business in this State or at the settlor's residence in this State, or by the trustee at the trustee's place of business in this State or at the trustee's residence in this State.

3. Notwithstanding the provisions of subsection 2, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.

4. The provisions of this section do not apply to a testamentary trust.

5. As used in this section:

(a) "Authentication characteristic" has the meaning ascribed to it in NRS 133.085.

(b) "Authentication method" means a method of identification using any applicable method authorized or required by law, including, without limitation, a digital certificate using a public key or a physical device, including, without limitation, a smart card, flash drive or other type of token, an authentication characteristic or another commercially reasonable method.

(c) "Public key" has the meaning ascribed to it in NRS 720.110.

Sec. 29. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 38.7, inclusive, of this act.

Sec. 30. "Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

Sec. 31. "Credential" means a tangible record evidencing the identity of a person.

Sec. 32. "Dynamic knowledge-based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer and that meets any rules or regulations adopted by the Secretary of State.

Sec. 33. "Electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Sec. 34. "In the presence of" or "appear before" means being:

1. In the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or
2. In a different physical location from another person but able to see, hear and communicate with the person by means of audio-video communication that meets any rules or regulations adopted by the Secretary of State.

Sec. 35. 1. An electronic notary public may perform any of the acts set forth in NRS 240.196 using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State.

2. Before an electronic notary public performs electronic notarial acts using audio-video communication, he or she must register with the Secretary of State pursuant to NRS 240.192 and identify the technology that the electronic notary public intends to use, which must conform to any rules or regulations adopted by the Secretary of State.

3. If an electronic notarial act is performed using audio-video communication:

- (a) The technology used must allow the persons communicating to see and speak to each other simultaneously;
- (b) The signal transmission must be in real time; and
- (c) The electronic notarial act must be recorded in accordance with section 37 of this act.

Sec. 36. 1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State for a person who is physically located:

- (a) In this State;
- (b) Outside this State but within the United States; or
- (c) Outside the United States if:

(1) The electronic notary public has no actual knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

(I) Are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

(II) Relate to property located in the United States; or

(III) Relate to a transaction substantially connected to the United States.

2. *An electronic notary public who is registered with the Secretary of State pursuant to NRS 240.192 may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State if the electronic notary public is physically present in this State at the time of performing the electronic notarial act, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act. The validity of the notarial act will be determined by applying the laws of this State.*

Sec. 37. 1. *An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.*

2. *If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.*

3. *If the person for whom the electronic notarial act is being performed is identified by a credible witness:*

(a) The credible witness must appear before the electronic notary public; and

(b) The recording of the electronic notarial act must include:

(1) A statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

(2) An explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

4. *An electronic notary public shall keep a recording made pursuant to this section for a period of not less than 7 years, regardless of whether the electronic notarial act was actually completed.*

Sec. 38. 1. *For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:*

(a) Personal knowledge;

(b) Each of the following:

(1) Remote presentation by the person of a government-issued identification credential that contains a photograph and the signature of the person;

(2) *Credential analysis of the government-issued identification credential and the data thereon; and*

(3) *A dynamic knowledge-based authentication assessment;*

(c) *Any other method that complies with any rules or regulations adopted by the Secretary of State; or*

(d) *A valid certificate that complies with any rules or regulations adopted by the Secretary of State.*

2. *As used in this section:*

(a) *"Certificate" has the meaning ascribed to it in NRS 720.030.*

(b) *"Credential analysis" means a process or service that complies with any rules or regulations adopted by the Secretary of State through which a third party affirms the validity of a government-issued identification credential or any data thereon through the review of data sources.*

(c) *"Remote presentation" means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.*

Sec. 38.3. 1. *If an electronic document relating to real property located in this State contains an electronic acknowledgment, notwithstanding any omission or error in the certificate of acknowledgment or failure of the document to show an acknowledgment in compliance with applicable law, upon the document being recorded with the county recorder of the county in which the real property is located or filed with the Secretary of State:*

(a) *The electronic document shall be deemed to be lawfully recorded or filed; and*

(b) *All persons, including, without limitation, any creditor, encumbrancer, mortgagee, subsequent purchaser for valuable consideration or any other subsequent transferee thereof or of any interest therein, are deemed to have notice of its contents.*

2. *For the purposes of this section, a document is deemed to comply with all applicable requirements upon the acceptance for recording by the county recorder of the county in which the real property is located or the filing of the document with the Secretary of State, as required by law.*

Sec. 38.7. 1. *Except as otherwise provided in this section, a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 for the first time must successfully complete any required course of study on electronic notarization required pursuant to NRS 240.195 before filing such registration with the Secretary of State.*

2. *A notary public may register with the Secretary of State as an electronic notary public pursuant to NRS 240.192 and thereafter perform the functions of an electronic notary public pursuant to this chapter without completing any course of study on electronic notarization required pursuant to NRS 240.195 if, at the time of registration, the course of study is not yet*

offered by the Secretary of State or a vendor approved by the Secretary of State.

3. *If a notary public registers and performs the functions of an electronic notary public without first completing any required course of study on electronic notarization pursuant to subsection 2, he or she must complete the required course of study and pass any required examination within 120 days after the course of study is first offered by the Secretary of State or a vendor approved by the Secretary of State. The registrant shall thereafter complete any required course of study in accordance with paragraph (b) or (c) of subsection 3 of NRS 240.195, as applicable.*

Sec. 39. NRS 240.181 is hereby amended to read as follows:

240.181 NRS 240.181 to 240.206, inclusive, *and sections 30 to 38.7, inclusive, of this act* may be cited as the Electronic ~~Notary Public Authorization~~ *Notarization Enabling Act.*

Sec. 40. NRS 240.182 is hereby amended to read as follows:

240.182 As used in NRS 240.181 to 240.206, inclusive, *and sections 30 to 38.7, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 240.183 to 240.188, inclusive, *and sections 30 to 34, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 40.5. NRS 240.185 is hereby amended to read as follows:

240.185 "Electronic notarial act" means an act that an electronic notary public of this State is authorized to perform. The term includes:

1. Taking an acknowledgment;
2. Administering an oath or affirmation;
3. Executing a jurat; ~~and~~
4. *Certifying a true and correct copy; and*
5. Performing such other duties as may be prescribed by a specific statute.

Sec. 41. NRS 240.186 is hereby amended to read as follows:

240.186 "Electronic notary public" means a person ~~appointed by~~ *registered with* the Secretary of State pursuant to NRS 240.181 to 240.206, inclusive, *and sections 30 to 38.7, inclusive, of this act* to perform electronic notarial acts.

Sec. 42. NRS 240.187 is hereby amended to read as follows:

240.187 "Electronic seal" means information within a notarized electronic document that includes the name, jurisdiction and expiration date of the ~~appointment~~ *registration* of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp pursuant to NRS 240.040.

Sec. 43. NRS 240.189 is hereby amended to read as follows:

240.189 An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with NRS 240.181 to 240.206, inclusive ~~[-]~~ *, and sections 30 to 38.7, inclusive, of this act.* To the extent that the provisions of NRS 240.001 to 240.169,

inclusive, conflict with the provisions of NRS 240.181 to 240.206, inclusive, *and sections 30 to 38.7, inclusive, of this act*, the provisions of NRS 240.181 to 240.206, inclusive, *and sections 30 to 38.7, inclusive, of this act* control.

Sec. 44. NRS 240.191 is hereby amended to read as follows:

240.191 1. ~~{The Secretary of State may appoint electronic notaries public in this State.~~

~~—2.— The Secretary of State shall not appoint as an electronic notary public a person who submits an application containing a substantial and material misstatement or omission of fact.~~

~~—3.— An electronic notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.~~

~~—4.— It is unlawful for a person to:~~

(a) Represent himself or herself as an electronic notary public ~~{appointed pursuant to this section}~~ if the person has not ~~{received a certificate of appointment from}~~ *registered with the Secretary of State pursuant to NRS 240.192.*

(b) Submit ~~{an application for appointment}~~ *a registration* as an electronic notary public that contains a substantial and material misstatement or omission of fact.

~~{5.—}~~ 2. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection ~~{4.—}~~ 1.

Sec. 45. NRS 240.192 is hereby amended to read as follows:

240.192 1. Each person ~~{applying for appointment}~~ *registering* as an electronic notary public must:

(a) At the time of ~~{application,}~~ *registration*, be a notarial officer in this State ~~{and}~~ *who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033*, have been a notarial officer in this State for not less than 4 years ~~{,}~~ *and have complied with all applicable notarial requirements set forth in this chapter;*

(b) ~~{Submit to}~~ *Register with* the Secretary of State by submitting an electronic ~~{application}~~ *registration* pursuant to subsection 2;

(c) Pay to the Secretary of State ~~{an application}~~ *a registration* fee of \$50 ~~{,}~~ *, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State; and*

(d) ~~{Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer;}~~

~~—(e)—~~ Submit to the Secretary of State *with the registration* proof satisfactory to the Secretary of State that the ~~{applicant}~~ *registrant* has ~~{successfully}~~ :

(1) *Successfully* completed ~~{a}~~ *any required* course of study on electronic notarization provided pursuant to NRS 240.195; and

~~{(f) Enter into a bond to the State of Nevada in the sum of \$10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in~~

~~this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.]~~

(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

2. ~~{The application for an appointment}~~ *Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration as an electronic notary public must be submitted as an electronic document by electronic mail to nvnotary@sos.nv.gov or, if another electronic mail address is designated by the Secretary of State, to such other designated electronic mail address, and must contain, without limitation, the following information:*

~~(a) {The applicant's full legal name, and the name to be used for appointment, if different.}~~ *All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.*

~~(b) {The county in which the applicant resides.}~~

~~—(c) The electronic mail address of the applicant.~~

~~—(d) {A description of the technology or device [approved by the Secretary of State,] that the {applicant} registrant intends to use to create his or her electronic signature in performing electronic notarial acts.}~~

~~{(e)} (c) The electronic signature of the {applicant}.~~

~~—(f) {registrant.}~~

(d) Any other information {requested} required pursuant to any rules or regulations adopted by the Secretary of State.

3. ~~{An applicant for appointment as an electronic notary public who resides in an adjoining state, in addition to the requirements set forth in subsections 1 and 2, must submit to the Secretary of State with the application:~~

~~—(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;~~

~~—(b) A copy of the applicant's state business registration issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located, if the applicant is self-employed; and~~

~~—(c) Unless the applicant is self-employed, a copy of the state business registration of the applicant's employer issued pursuant to chapter 76 of NRS, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.~~

~~—4. In completing an application, bond, oath or other document necessary to apply for appointment as an electronic notary public, an applicant must not~~

be required to disclose his or her residential address or telephone number on any such document which will become available to the public.

~~— 5. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as an electronic notary public to the applicant.~~

~~— 6. The term of an electronic notary public commences on the effective date of the bond required pursuant to paragraph (f) of subsection 1. An electronic notary public shall not perform an electronic notarial act after the effective date of the bond unless the electronic notary public has been issued a certificate of appointment pursuant to subsection 5.~~

~~— 7. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of \$10 for each duplicate or amended certificate of appointment which is issued to an electronic notary public. If the electronic notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the electronic notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.} Unless the Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.~~

4. Registration as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

Sec. 46. NRS 240.194 is hereby amended to read as follows:

240.194 1. The ~~[initial term]~~ period of ~~[appointment]~~ registration ~~[as]~~ of an electronic notary public is ~~{2 years. Each}~~ coterminous with his or her term of appointment as a notary public pursuant to NRS 240.010. Registration as an electronic notary public ~~[subsequent to the initial term is 4 years.}~~ must be renewed at the same time a person renews his or her appointment as a notary public.

2. The ~~[appointment]~~ registration of an electronic notary public is suspended by operation of law when the electronic notary public is no longer appointed as a notary public in this State. If the ~~[appointment]~~ registration of an electronic notary public has expired or been revoked or suspended, the Secretary of State shall immediately notify the electronic notary public in

writing that his or her ~~[appointment]~~ *registration* as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State.

3. If, at any time ~~[during his or her appointment, and]~~ , a registered electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:

(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and

(b) A fee of \$10.

Sec. 46.5. NRS 240.195 is hereby amended to read as follows:

240.195 1. *In addition to any courses of study a notary public is required to complete pursuant to NRS 240.018, the Secretary of State may, by rule or regulation, require a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 to complete an additional course of study on electronic notarization in accordance with this section.*

2. Except as otherwise provided in subsection ~~[2, an applicant for appointment]~~ 3, a registrant as an electronic notary public must successfully:

(a) Complete ~~[a]~~ any course of study *on electronic notarization* that is required pursuant to subsection 1 in accordance with the requirements of subsection ~~[5,]~~ 6; and

(b) Pass an examination at the completion of the course.

~~[2,]~~ 3. The following persons are required to enroll in and successfully complete ~~[a]~~ any course of study ~~[as]~~ *on electronic notarization* that is required pursuant to subsection 1:

(a) A person ~~[applying]~~ *registering* for ~~[his or her]~~ the first ~~[appointment]~~ time as an electronic notary public;

(b) A person renewing his or her ~~[appointment]~~ *registration* as an electronic notary public; and

(c) A person who has committed a violation of this chapter or whose ~~[appointment]~~ *registration* as an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.

~~[3,]~~ 4. A course of study required to be completed pursuant to subsection 1 must:

(a) ~~[Include at least]~~ *Be taken online and be of a duration of not more than 3 hours [of instruction,]* , including instruction and completion of an examination of the course content;

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) ~~[Include an examination of the course content;]~~

~~—(d)~~ Comply with ~~the~~ any regulations adopted pursuant to NRS 240.206 ~~relating to courses of study on electronic notarization~~; and

~~[(e)]~~ (d) Be approved by the Secretary of State.

~~4.]~~ 5. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1 ~~;~~

~~—(a) Provide such a course of study; and~~

~~—(b) Charge]~~, charge a reasonable fee to each person who enrolls in such a course of study.

~~5.]~~ 6. A course of study provided pursuant to this section:

(a) Must satisfy the criteria set forth in subsection ~~3]~~ 4 and comply with ~~the~~ any requirements set forth in the regulations adopted pursuant to NRS 240.206 ~~relating to courses of study on electronic notarization~~.

(b) May be provided ~~in person or online~~ by the Secretary of State or a vendor approved by the Secretary of State.

~~6.]~~ 7. The Secretary of State shall deposit the fees collected pursuant to ~~paragraph (b) of~~ subsection ~~4]~~ 5 in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 47. NRS 240.196 is hereby amended to read as follows:

240.196 A person ~~appointed~~ *registered* as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ~~and sections 30 to 38.7, inclusive, of this act~~ may ~~during normal business hours,~~ perform the following electronic notarial acts for a person who requests the electronic notarial act and tenders ~~the appropriate~~ *any authorized* fee:

1. Taking an acknowledgment;
2. Executing a jurat; ~~and~~
3. Administering an oath or affirmation ~~;~~;
4. *Certifying a true and correct copy; and*
5. *Performing such other duties as prescribed by law.*

Sec. 48. NRS 240.197 is hereby amended to read as follows:

240.197 1. *Except as otherwise provided in this section:*

(a) An electronic notary public may charge the following fees : ~~and no more:~~

~~(a)]~~ (1) For taking an acknowledgment, for each signature.....~~[\$10]~~ \$25

~~[(b)]~~ (2) For executing a jurat, for each signature~~[\$10]~~ \$25

~~[(c)]~~ (3) For administering an oath or affirmation without a signature.....~~[\$10]~~ \$25

~~2.]~~ (b) An electronic notary public shall not charge a fee to perform ~~a service~~ *an electronic notarial act* unless he or she is authorized to charge a fee for such ~~a service~~ *an electronic notarial act* pursuant to this section.

~~3.]~~ (c) All fees prescribed in this section are payable in advance, if demanded.

~~4.]~~ (d) An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

~~[(a)]~~ (1) The person requesting the electronic notarial act asks the electronic notary public to travel;

~~{{b}}~~ (2) The electronic notary public explains to the person requesting the electronic notarial act that the fee for travel is in addition to the fee authorized in ~~subsection 1~~ *paragraph (a)* and is not required by law;

~~{{c}}~~ (3) The person requesting the electronic notarial act agrees in advance upon the hourly rate that the electronic notary public will charge for the additional fee for travel; and

~~{{d}}~~ (4) The additional fee for travel does not exceed:

~~{{1}}~~ (I) If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 6 a.m. and 7 p.m., \$10 per hour.

~~{{2}}~~ (II) If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 7 p.m. and 6 a.m., \$25 per hour.

➤ The electronic notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

~~{{5}}~~ (e) An electronic notary public is entitled to charge the amount of the additional fee for travel agreed to in advance by the person requesting the electronic notarial act pursuant to ~~subsection 4~~ *paragraph (d)* if:

~~{{a}}~~ (1) The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

~~{{b}}~~ (2) The electronic notary public is unable to perform the requested electronic notarial act as a result of the actions of the person who requested the electronic notarial act or any other person who is necessary for the performance of the electronic notarial act.

~~{{6}}~~ (f) For each additional fee for travel that an electronic notary public charges pursuant to ~~subsection 4~~ *paragraph (d)*, the electronic notary public shall enter in the *electronic* journal that he or she keeps pursuant to NRS 240.201:

~~{{a}}~~ (1) The amount of the fee; and

~~{{b}}~~ (2) The date and time that the electronic notary public began and ended such travel.

~~{{7}}~~ (g) *An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.*

2. A person who employs an electronic notary public may prohibit the electronic notary public from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

3. *An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act*

that the electronic notary public performs within the scope of such employment.

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

Sec. 49. NRS 240.198 is hereby amended to read as follows:

240.198 *Except as otherwise specifically provided by law:*

1. An electronic notary public shall not willfully electronically notarize the signature or electronic signature of a person unless the person is in the presence of the electronic notary public at the time of notarization and:

- (a) Is known to the electronic notary public; or
- (b) If unknown to the electronic notary public, provides a credible witness or documentary evidence of identification to the electronic notary public.

2. A person who:

- (a) Violates the provisions of subsection 1; or
- (b) Aids and abets an electronic notary public to commit a violation of subsection 1,

↪ is guilty of a gross misdemeanor.

3. ~~[An electronic notary public shall not electronically notarize any electronic document related to the following:~~

- ~~—(a) A will, codicil or testamentary trust; and~~
- ~~—(b) Any transaction governed by the Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive.~~

~~4. An appointment.] Registration as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act does not authorize the electronic notary public to perform notarial acts in another state.~~

4. A notarial act performed by an electronic notary public in this State for a person located outside this State by means of audio-video communication in accordance with the provisions of this chapter shall not be deemed to be performed outside this State.

Sec. 50. NRS 240.199 is hereby amended to read as follows:

240.199 1. An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

- ~~{1.}~~ (a) The electronic signature of the electronic notary public;
- ~~{2.}~~ (b) The electronic seal of the electronic notary public; and
- ~~{3.}~~ (c) The wording of a notarial certificate pursuant to NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169 ~~{.}~~, including, without limitation, language explicitly stating that the notarial act was performed using audio-video communication, if applicable.

2. Upon the completion of an electronic notarial act in accordance with subsection 1, an electronic notary public shall use technology to render the electronic document tamper-evident.

Sec. 51. NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep ~~an~~ an electronic journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120 ~~and~~, but does not include the electronic signatures of the person for whom the electronic notarial act was performed and any witnesses.

2. An electronic notary public who performs electronic notarial acts shall:

(a) Describe each electronic notarial act in the electronic journal and specify whether the electronic notarial act was performed using audio-video communication;

(b) Maintain and protect the electronic journal at all times under his or her sole control; and

(c) Provide for lawful inspection and copying of the electronic journal.

3. An electronic notary public may maintain more than one electronic journal to record electronic notarial acts.

4. The fact that the employer or contractor of an electronic notary public keeps a record of electronic notarial acts does not relieve the electronic notary public of the duties required by this section.

5. An electronic journal must:

(a) Enable access by a password or other secure means of authentication; and

(b) Be capable of providing tangible or electronic copies of any entry made therein.

6. The Secretary of State may suspend the ~~appointment~~ registration of an electronic notary public who fails to produce any electronic journal entry within 10 days after receipt of a request from the Secretary of State.

~~3.~~ 7. Upon ~~resignation,~~ surrender, revocation or expiration of ~~an appointment~~ a registration as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act must, except as otherwise provided by law, be ~~delivered to the Secretary of State.~~ kept by the electronic notary public for a period of 7 years after the termination of the registration of the electronic notary public.

8. As used in this section, "sole control" means being in the direct physical custody of or safeguarded by an electronic notary public with a password or other secure means of authentication.

Sec. 52. NRS 240.202 is hereby amended to read as follows:

240.202 1. The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

2. An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:

(a) When not in use, the electronic notary public shall keep the electronic signature, electronic seal and all notarial records secure, under the exclusive control of the electronic notary public and protected by a password where applicable.

(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.

(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court or as allowed pursuant to NRS 240.001 to 240.206, inclusive, *and sections 30 to 38.7, inclusive, of this act* or any regulations adopted pursuant thereto.

(d) Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:

(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and

(2) Notify the Secretary of State *and the entity from which the electronic notary public obtained the electronic signature or electronic seal* in writing, including, without limitation, a signature using the name ~~for the certificate of appointment issued~~ *under which the electronic notary public is registered pursuant to subsection 5 of* NRS 240.192.

3. An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her electronic signature, and to ensure that the technology or device has not been recalled, revoked, terminated or otherwise rendered ineffective or unsecure by the entity that created the technology or device. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

(a) A new technology or device is acquired; and

(b) The electronic notary public sends an electronic notice to the Secretary of State that includes ~~for, without limitation,~~ the ~~information~~ *electronic signature of the electronic notary public* required pursuant to ~~paragraphs (d) and (e)~~ *paragraph (c)* of subsection 2 of NRS 240.192 relating to the new technology or device.

Sec. 53. NRS 240.203 is hereby amended to read as follows:

240.203 1. Except as otherwise provided in subsection 3, if an electronic notary public dies ~~or resigns~~ during his or her ~~appointment,~~ *period of registration*, or if the ~~appointment~~ *registration* of the electronic notary public is *surrendered or* revoked or expires, the electronic notary public, the executor of his or her estate or an authorized representative of the electronic notary public, as appropriate, shall:

- (a) Notify the Secretary of State of the resignation or death; and
- (b) Erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature.

2. Upon receipt of the notice required by subsection 1, the Secretary of State shall cancel the ~~{appointment}~~ *registration* of the electronic notary public, effective on the date on which the notice was received.

3. A former electronic notary public whose previous ~~{appointment}~~ *registration* as an electronic notary public was not revoked and whose previous ~~{application for appointment}~~ *registration* as an electronic notary public was not denied is not required to erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature if the former electronic notary public renews his or her ~~{appointment}~~ *registration*, using the same electronic signature, within 3 months after the expiration of his or her previous ~~{appointment}~~ *registration* as an electronic notary public.

Sec. 54. NRS 240.204 is hereby amended to read as follows:

240.204 1. A person who knowingly creates, manufactures or distributes software or hardware for the purpose of allowing a person to act as an electronic notary public without being ~~{appointed}~~ *registered* in accordance with NRS 240.181 to 240.206, inclusive, *and sections 30 to 38.7, inclusive, of this act* is guilty of a gross misdemeanor.

2. A person who wrongfully obtains, conceals, damages or destroys the technology or device used to create the electronic signature of an electronic notary public is guilty of a gross misdemeanor.

Sec. 55. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) ~~{A}~~ *Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;*

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 56. Section 4 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 4. (Deleted by amendment.)

Sec. 57. Section 5 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 5. (Deleted by amendment.)

Sec. 58. Section 6 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 6. (Deleted by amendment.)

Sec. 59. Section 8 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 8. (Deleted by amendment.)

Sec. 60. Section 9 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 9. (Deleted by amendment.)

Sec. 61. The provisions of this act are intended to supersede any provisions of Assembly Bill No. 476 of this session that conflict with the provisions of this act.

Sec. 62. NRS 240.193 is hereby repealed.

Sec. 63. 1. This section and sections 56 to 60, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 28, inclusive, and 61 of this act become effective on July 1, 2017.

3. Sections 29 to 55, inclusive, and 62 of this act become effective:

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

(b) On ~~December 1, 2017,~~ July 1, 2018, for all other purposes.

TEXT OF REPEALED SECTION

240.193 Requirements for bond; notification of exhaustion of penal sum; release of surety; suspension of appointment; reinstatement of appointment.

1. The bond required to be filed pursuant to NRS 240.192 must be executed by the person applying to become an electronic notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the electronic notary public which violates a provision of NRS 240.001 to 240.206, inclusive. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the electronic notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.192 may be released after the surety gives 30 days' written notice to the Secretary of State and the

electronic notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the electronic notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of an electronic notary public is suspended by operation of law when the electronic notary public is no longer covered by a surety bond as required by this section and NRS 240.192 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the electronic notary public in writing that his or her appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of an electronic notary public whose appointment has been suspended pursuant to subsection 5 if the electronic notary public, before his or her current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as an electronic notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk; and

(b) Pays to the Secretary of State a fee of \$10.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 1148 to Assembly Bill No. 413 changes the effective date from December to July 1, 2018.

Amendment Adopted.

Bill read third time.

Remarks by Senator Segerblom.

Assembly Bill No. 413 provides for electronic notaries and will put us in the forefront of the country. It also gives us time to implement so the Secretary of State is comfortable.

Roll call on Assembly Bill No. 413:

YEAS—20.

NAYS—None.

EXCUSED—Goicoechea.

Assembly Bill No. 413 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 344.

The following Assembly amendments were read:

Amendment No. 881.

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 are or appear to be ~~candy~~ lollipops or may appeal to children; ~~requiring~~ establishing certain requirements for the production, packaging and labeling of products by 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; establishing limits on the quantity of marijuana for recreational use that may be sold in a single package; establishing certain restrictions on advertising by a recreational marijuana establishment; prohibiting regulation of certain matters relating to marijuana which is more restrictive than or conflicts with state law or regulation by a local government; 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.~~ and establishes certain other requirements for such products. 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 is or appears to be ~~candy~~ a lollipop 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 ~~[-]~~ and establishes certain other requirements for the production, packaging and labeling of an edible marijuana product or marijuana-infused product by such a facility. 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 of certain information, including, 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.~~ requires at least one employee of a facility for the production of edible marijuana products or marijuana-infused products or a medical marijuana dispensary which sells edible marijuana products to be certified to handle food in certain circumstances.

Section 2 of this bill establishes similar requirements for recreational marijuana establishments at a future date. Additionally, section 2 requires each marijuana 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 2 also imposes certain requirements for and restrictions on advertising by a recreational marijuana establishment.

Sections 3-8 of this bill prohibit a local government from regulating a marijuana establishment or medical marijuana establishment in a manner which is more restrictive than or conflicts with a law or regulation of this State.

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:

~~[-]~~ (a) Are labeled clearly and unambiguously ~~[-]~~;

(1) As medical marijuana ~~[-]~~

~~[-]~~ (2) with the words "THIS IS A MEDICAL MARIJUANA PRODUCT" in bold type; and ~~[-]~~

(2) 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,~~ contains an
~~image of a cartoon character, mascot, action figure, balloon, fruit, or toy~~
~~fruit, except that such an item may appear in the logo of the facility for the~~
~~production of edible marijuana products or marijuana-infused products~~
~~which produced the product.~~

(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}~~
~~amount of THC in the product, measured in {servings of a maximum of~~
~~10 milligrams per serving,}~~ milligrams, 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.~~

~~(g) Are not labeled or marketed as candy.~~

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.}~~ Is or appears to be {candy.} a lollipop.

(b) ~~{Is similar in appearance to.}~~ Bears the likeness or contains
~~characteristics of a real or fictional person, animal or fruit, including,~~
~~without limitation, a caricature, cartoon {character, mascot, action figure,~~
~~balloon, fruit or toy.} or artistic rendering.~~

(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 ~~that~~ other than dried fruit, nuts or granola.

~~4.3.~~ 3. A facility for the production of edible marijuana products or marijuana-infused products shall ~~seal~~ :

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the edible marijuana product;

(3) A list of all allergens in the edible marijuana product; and

(4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

~~5.4.~~ 4. 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.

~~6.5.~~ 5. 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.

~~7.6.~~ 6. A medical marijuana dispensary shall ~~include~~ :

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser ~~that~~ :

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children ~~that~~ ;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location

which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

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.~~ If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.

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~~ :

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and ~~as~~

(2) 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~~ contains an image of a cartoon character, mascot, action figure, balloon ~~, fruit~~ or toy ~~, ,~~, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.

(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 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.

(g) Are not labeled or marketed as candy.

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~~ 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than ~~400~~ 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than ~~400~~ 100 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~~ 800 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~~ 800 milligrams of THC per package.

(f) For any other marijuana product, more than ~~400~~ 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

- (a) ~~[Appears]~~ Is or appears to be ~~[candy]~~ a lollipop or ice cream.
- (b) ~~[Is similar in appearance to]~~ Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon ~~[character, mascot, action figure, balloon, fruit or toy]~~ or artistic rendering.
- (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 ~~[+]~~ other than dried fruit, nuts or granola.
4. A marijuana product manufacturing facility shall ~~[seal]~~ :
- (a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.
- (b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:
- (1) The words "Keep out of reach of children";
- (2) A list of all ingredients used in the marijuana product;
- (3) A list of all allergens in the marijuana product; and
- (4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.
- (c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.
- (d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.
- (e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.
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) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser ~~[to]~~ :
- (1) To keep marijuana and marijuana products out of the reach of children ~~[+]~~ ;
- (2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

~~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.] If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.~~

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products; or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; or

(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry.

(d) Shall not advertise or offer any marijuana or marijuana product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older".

10. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and

(c) Any stationary or moving display that is located on or near the premises of a marijuana establishment.

Sec. 3. 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 enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 4. 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, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, and section 3 of this act, 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. 5. 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, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 6. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, 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, and section 5 of this act, 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. 7. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to

chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS:

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the unincorporated town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 8. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, and section 7 of this act, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap,

soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 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 must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners 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.

~~[Sec. 3.]~~ Sec. 9. 1. This section and ~~[section]~~ sections 1 and 3 to 8, inclusive, of this act become effective on July 1, 2017.

2. Section 2 of this act becomes effective on January 1, 2020.

Amendment No. 1114.

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; prohibiting the production of edible marijuana products or marijuana-infused products that are or appear to be lollipops or may appeal to children; establishing certain requirements for the production, packaging and labeling of products by a facility for the production of edible marijuana products or marijuana-infused products; 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; establishing similar provisions for recreational marijuana establishments with a delayed effective date; establishing limits on the quantity of marijuana for recreational use that may be sold in a single package; establishing certain restrictions on advertising by a recreational marijuana establishment; prohibiting regulation of certain matters relating to marijuana which is more restrictive than or conflicts with state law or regulation by a local government; 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 and establishes certain other requirements for such products. 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 is or appears to be a lollipop 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 and establishes certain other requirements for the production, packaging and labeling of an edible marijuana product or marijuana-infused product by such a facility. 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 of certain information, including, 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 requires at least one employee of a facility for the production of edible marijuana products or marijuana-infused products or a medical marijuana dispensary which sells edible marijuana products to be certified to handle food in certain circumstances.

Section 2 of this bill establishes similar requirements for recreational marijuana establishments at a future date. Additionally, section 2 requires each marijuana 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 2 also imposes certain requirements for and restrictions on advertising by a recreational marijuana establishment.

Sections 3-8 of this bill prohibit a local government from regulating a marijuana establishment or medical marijuana establishment in a manner which is more restrictive than or conflicts with a law or regulation of this State.

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}~~ :

(1) As medical marijuana ~~{-~~

~~—2-}~~ with the words "*THIS IS A MEDICAL MARIJUANA PRODUCT*" in bold type; and

(2) 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-}~~ contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the facility for the production of edible marijuana products or marijuana-infused products which produced the product.

(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 amount of THC in the product, measured in milligrams, 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.~~ Division by regulation.

(g) Are not labeled or marketed as candy.

2. A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(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 other than dried fruit, nuts or granola.

3. A facility for the production of edible marijuana products or marijuana-infused products shall:

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the edible marijuana product;

(3) A list of all allergens in the edible marijuana product; and

(4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

4. 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.

5. *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.*

6. *A medical marijuana dispensary shall:*

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser:

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. *A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.*

8. *If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products*

or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.

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:

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and

(2) As required by this chapter and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.

(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 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.~~ Department by regulation.

(g) Are not labeled or marketed as candy.

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 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than 100 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 800 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 800 milligrams of THC per package.

(f) For any other marijuana product, more than 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) Is or appears to be a lollipop or ice cream.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(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 other than dried fruit, nuts or granola.

4. A marijuana product manufacturing facility shall:

(a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the marijuana product;

(3) A list of all allergens in the marijuana product; and

(4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.

(d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.

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:

(a) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser:

(1) To keep marijuana and marijuana products out of the reach of children;

(2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

8. If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products; or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; or

(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry.

(d) Shall not advertise or offer any marijuana or marijuana product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older".

10. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and

(c) Any stationary or moving display that is located on or near the premises of a marijuana establishment.

Sec. 3. 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 enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) *The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;*

(f) *The issuance or verification of a registry identification card, letter of approval or written documentation;*

(g) *The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or*

(h) *The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.*

2. *As used in this section:*

(a) *"Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.*

(b) *"Letter of approval" has the meaning ascribed to it in NRS 453A.109.*

(c) *"Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.*

(d) *"Marijuana products" has the meaning ascribed to it in NRS 453D.030.*

(e) *"Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.*

(f) *"Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.*

(g) *"Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.*

(h) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

(i) *"Written documentation" has the meaning ascribed to it in NRS 453A.170.*

Sec. 4. 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, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, *and section 3 of this act*, 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. 5. 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, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:*

(a) *The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;*

(b) *The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to*

chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 6. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, 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, *and section 5 of this act*, 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. 7. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:*

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the unincorporated town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) *The issuance or verification of a registry identification card, letter of approval or written documentation;*

(g) *The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or*

(h) *The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.*

2. *As used in this section:*

(a) *"Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.*

(b) *"Letter of approval" has the meaning ascribed to it in NRS 453A.109.*

(c) *"Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.*

(d) *"Marijuana products" has the meaning ascribed to it in NRS 453D.030.*

(e) *"Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.*

(f) *"Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.*

(g) *"Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.*

(h) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

(i) *"Written documentation" has the meaning ascribed to it in NRS 453A.170.*

Sec. 8. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, *and section 7 of this act*, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 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 must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners 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.

Sec. 9. 1. This section and sections ~~11 and~~ 3 to 8, inclusive, of this act become effective on July 1, 2017.

2. Section 1 of this act becomes effective on October 1, 2017.

3. Section 2 of this act becomes effective on January 1, 2020.

Senator Segerblom moved that the Senate concur in Assembly Amendments Nos. 881, 1114 to Senate Bill No. 344.

Remarks by Senator Segerblom.

This bill, created by the Senator from District No. 8, creates the most extensive cannabis edibles law in the Country. It may not identify all edibles, but it allows for the Department to create regulations so it can anticipate what is going to happen and be more specific. The Legislature gives general authority then the agencies provide more detail; the fact that something is not specifically mentioned is not critical. There are two amendments to this bill, and the first is subsumed into the second. Under this law, a product must be placed into a childproof, opaque bag. The product inside the bag is within another childproof container. We have done all we can do to make the packaging given to the customer at the dispensary level childproof. If other companies did a tenth of this with things like Oxycodone or dish or laundry detergents or drugs or alcohol, it would be amazing. This bill goes beyond what is necessary. This is at the forefront of what legislation needs to be.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 1156 to Assembly Bill No. 399.

KELVIN ATKINSON, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 399

Bill read third time.

The following amendment was proposed by Senator Ford.

Amendment No. 1156.

SUMMARY—Establishes the Nevada State Infrastructure Bank ~~(~~and~~)~~ and revises provisions relating to certain public works. (BDR 35-1129)

AN ACT relating to ~~(transportation)~~ public works; establishing the Nevada State Infrastructure Bank; providing for the governance of the Bank by a Board of Directors; establishing the powers and duties of the Board of Directors; providing for the administration of the Bank by an Executive Director to the extent that certain money is available; establishing the powers and duties of the Executive Director; establishing the Nevada State Infrastructure Bank Fund; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities and utility infrastructure; providing civil immunity for certain persons for certain official actions; revising provisions governing revenues pledged for the payment of bonds to finance the renovation or expansion of the Las Vegas Convention Center; revising provisions governing audits of the use of such revenues; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-36.5 of this bill establish the Nevada State Infrastructure Bank. The purpose of the Bank is to provide loans and other financial assistance to various units of state and local government for the development,

construction, repair, improvement, maintenance, decommissioning, operation and ownership of certain transportation facilities and utility infrastructure. Sections 20 and 37.1 of this bill create the Bank within the Department of Transportation and provide for its governance by a Board of Directors. Section 21 of this bill establishes certain powers and duties of the Board of Directors. Section 21 further authorizes the Board of Directors to issue bonds or other securities to raise money to carry out its statutory purposes and powers. Section 21 also requires the Board of Directors to act in a commercially reasonable manner and authorizes the Board of Directors to rely on certain information if it is prepared or presented by certain people or entities. Section 22 of this bill requires the Governor, to the extent that money is available from public or private sources for administrative costs, to appoint an Executive Director to administer, manage and conduct the affairs of the Bank and establishes the powers and duties of the Executive Director. Section 22 also requires that the Executive Director and any employees hired be paid from money allocated to the Bank and appropriated or authorized by the Legislature or the Interim Finance Committee. Section 23 of this bill creates the Nevada State Infrastructure Bank Fund to be administered by the Board of Directors and used exclusively to capitalize and carry out the statutory powers and purpose of the Bank.

Section 24 of this bill establishes certain procedures relating to: (1) applications for a loan or other financial assistance from the Bank in connection with a project to develop, construct, repair, improve, operate, maintain, decommission or own a transportation facility or utility infrastructure; (2) the determination by the Executive Director of eligible projects; and (3) selection by the Board of Directors of projects that qualify to obtain such a loan or assistance. Section 25 of this bill requires a borrower whose project is qualified to receive a loan or other financial assistance to enter into a financing agreement with the Bank and, in case of a loan, to issue some kind of security to the Bank that evidences the borrower's obligation to repay the loan.

Section 26 of this bill authorizes the Bank to act as an insurer or reinsurer in connection with a loan or satisfaction of a related obligation made by the Bank. Section 27 of this bill authorizes the Bank to provide security for any revenue bonds issued by the Bank.

Section 28 of this bill provides that any debt or obligation issued by the Bank is not 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 a political subdivision, other than the Bank itself.

If a borrower who has received a loan from the Bank fails to make a payment of any money owed to the Bank, section 29 of this bill authorizes the Bank, under certain circumstances, to require other state agencies that are in possession of money of the State or other money that is allotted or appropriated to the borrower to withhold that money from that borrower and

remit it to the Bank to use the money to make the necessary payment to the Bank.

Section 30 of this bill provides a grant of immunity from civil liability to the Board of Directors of the Bank or the officers and employees of the Bank for certain official acts under certain circumstances. Section 31 of this bill exempts the Bank from certain procedural prerequisites that would otherwise be applicable to its actions. Section 32 of this bill exempts the property of the Bank and its income from taxation. Section 33 of this bill exempts the bonds and other securities issued by the Bank from most forms of taxation.

Section 34 of this bill provides that any authority given to a governmental borrower to issue bonds by this bill is supplemental to, and not in lieu of, any existing authority to issue bonds.

Section 35 of this bill also provides that the provisions of this bill are intended to supplement, not supplant, other existing laws concerning the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State and political subdivisions thereof. However, section 35 also provides that if there is a conflict between those laws and this bill, the provisions of this bill control. Section 35 also provides that a contract for construction on a qualified project funded in whole or in part by a loan or other financial assistance from the Bank is subject to the prevailing wage requirement.

Section 36 of this bill requires the Bank to submit an annual report concerning its activities to the Governor and the Legislature. Section 36.5 of this bill authorizes the divisions of the Department of Transportation, to the extent that money is available for that purpose, to provide technical advice, support and assistance to the Bank.

Existing law creates the Oversight Panel for Convention Facilities to perform certain functions related to the oversight of the renovation or expansion of the Las Vegas Convention Center. (Section 53 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 54) Under existing law, the Las Vegas Convention and Visitors Authority is required to submit to the Oversight Panel an annual third-party audit of the use of certain revenues for the expansion or renovation of the Convention Center. This audit must be submitted to the Oversight Panel on or before August 31 of each year. (Section 54 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 55) Section 37.8 of this bill revises the due date for the audit so that the audit must be submitted to the Oversight Panel not later than 5 months after the end of the fiscal year for which the audit is performed.

Existing law requires certain taxes on the rental of transient lodging and certain other revenue to be pledged for the payment of bonds issued to defray the cost of the renovation or expansion of the Las Vegas Convention Center. (Sections 56-58 of chapter 2, Statutes of Nevada 2016, 30th Special Session, pp. 56-57) Under existing law, if the proceeds of certain taxes on the rental of transient lodging which must be pledged to the payment of such bonds will

generate sufficient revenue to meet or exceed a debt service coverage ratio of 1.5 times the anticipated annual debt service for the term of the bonds, the bonds must be issued in accordance with certain provisions of existing law. (Section 61 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 58) Section 37.9 of this bill provides that the revenue pledged for the payment of such bonds include available proceeds from other taxes imposed on the rental of transient lodging that will be pledged to the payment of such bonds and certain other revenues that will be pledged for the payment of such bonds. (Section 56 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 56)

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 36.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 36.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Bank" means the Nevada State Infrastructure Bank.*

Sec. 4. *"Board of Directors" means the Board of Directors of the Bank.*

Sec. 5. *"Eligible costs" means, as applied to a qualified project to be financed from:*

1. *The federal highway account established by section 23 of this act, the costs that are allowed under applicable federal laws, requirements, procedures and guidelines in regard to establishing, operating and providing assistance from the Bank.*

2. *The state and local highway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, sustainability certification and other costs necessary for the qualified project.*

3. *The federal utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.*

4. *A federal or state and local nonhighway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.*

5. The state and local utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities, sustainability certification and other nonoperating costs necessary for the qualified project.

Sec. 6. "Eligible project" means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility or utility infrastructure.

Sec. 7. "Executive Director" means the Executive Director of the Bank.

Sec. 8. "Federal accounts" means the federal highway account, federal nonhighway account and federal utility infrastructure account established pursuant to section 23 of this act.

Sec. 9. 1. "Financing agreement" means any agreement entered into between the Bank and a qualified borrower pertaining to a loan or other financial assistance for a qualified project, which may or may not include nonfinancial provisions relating to the qualified project, including, without limitation, terms and conditions relating to the regulation and supervision of the qualified project.

2. The term includes, without limitation:

- (a) A loan agreement;
- (b) A trust indenture;
- (c) A security agreement;
- (d) A reimbursement agreement;
- (e) A guarantee agreement;
- (f) A bond or note; and
- (g) An ordinance or a resolution or similar instrument.

Sec. 10. "Governmental unit" means:

1. The State of Nevada, including, without limitation, any board, commission, agency, department, division or instrumentality thereof;

2. A political subdivision of the State of Nevada, including, without limitation, a county, city, town, school district, general or local improvement district or a combination of two or more of those entities acting jointly, including, without limitation, as a regional transportation commission as defined in NRS 482.1825; and

3. A utility.

Sec. 11. "Loan" means any form of direct financial assistance that is provided by the Bank to a qualified borrower to defray all or part of the anticipated or actual costs of a qualified project and is required to be repaid by the borrower over a period of time.

Sec. 12. "Loan obligation" means a bond, note or other evidence of a qualified borrower's obligation to repay a loan given by the Bank.

Sec. 13. "Other financial assistance" means any use of money by the Bank for the benefit of a qualified borrower, including, without limitation, a

grant, contribution, credit enhancement, capital or debt reserve for bonds or other debt instrument financing, an interest rate subsidy, letter of credit or other credit instrument, security for a bond or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors and, in the case of money made available to the State by the Federal Government, as allowed by applicable federal law.

Sec. 14. "Project revenue" means any rate, rent, fee, assessment related specifically to the project, charge or other receipt derived or to be derived by a qualified borrower from a qualified project and, if so provided in the applicable financing agreement, derived from any system of which the qualified project is a part or from any other revenue producing facility under the ownership or control of the qualified borrower, including, without limitation, the proceeds of a grant, gift, appropriation or loan, including, without limitation, the proceeds of a loan made by the Bank, investment earnings, payments to a reserve for capital or current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property.

Sec. 15. "Qualified borrower" means a governmental unit, or an entity established by an agreement between a governmental unit and a private entity, that is authorized to develop, construct, repair, improve, maintain, decommission, operate or own a qualified project.

Sec. 16. "Qualified project" means an eligible project that has been selected by the Bank to receive a loan or other financial assistance.

Sec. 17. "State and local accounts" means the state and local highway account, state and local nonhighway account and state and local utility infrastructure account established by the Bank pursuant to section 23 of this act.

Sec. 18. "Transportation facility" means any existing, enhanced, upgraded or new facility that is used or useful for the safe transport of people, information or goods via one or more modes of transport, including, without limitation, any of the following:

1. A road, railroad, bridge, tunnel, overpass, airport, mass transit, light or commuter rail, conduit, ferry, boat, vessel, parking facility, intermodal or multimodal system or any other mode of transport, including, without limitation, those utilizing autonomous technology, and any rights of way necessary for any eligible transportation facility.

2. Related or ancillary to, or used or useful to provide, operate, maintain or generate revenue for, a facility described in subsection 1, including, without limitation, administrative buildings and other buildings, structures, rest areas, maintenance yards, rail yards, ports of entry or storage facilities, vehicles, rolling stock, energy systems, control, communications and information systems, parking facilities and similar commercial facilities used for the support of or the transportation of persons, information or goods or

other related equipment, items or property, including, without limitation, any other property that is needed to operate the facility.

3. *All improvements, including equipment necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.*

Sec. 18.5. *"Utility" has the meaning ascribed to it in NRS 408.407.*

Sec. 19. *"Utility infrastructure" means any infrastructure which allows for the connection of the transmission or distribution system of a utility to a distribution facility installed by a master-planned industrial or business park in conformance with the tariffs of the utility and includes, without limitation, the engineering and construction of the infrastructure.*

Sec. 20. 1. *The Nevada State Infrastructure Bank is hereby created within the Department.*

2. *The purpose of the Bank is to provide loans and other financial assistance to various governmental units for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities and utility infrastructure as necessary for public purposes, including, without limitation, economic development.*

3. *The Bank is administered by a Board of Directors consisting of:*

(a) *The Director of the Department of Transportation or his or her designee;*

(b) *The State Treasurer or his or her designee;*

(c) *The Director of the Department of Business and Industry or his or her designee;*

(d) *The Executive Director of the Office of Economic Development or his or her designee; and*

(e) *Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.*

4. *Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority.*

5. *A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.*

6. *The Board of Directors shall elect annually from among its members a Chair and a Vice Chair.*

7. *Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least four members of the Board of Directors is required to take action.*

8. *The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.*

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS.

10. To the extent that money is available from public or private sources for administrative costs:

(a) Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled to receive \$100 for each full day of attending a meeting of the Board of Directors.

(b) Each member of the Board of Directors is entitled, while engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

11. A member of the Board of Directors 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 he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors 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 Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 21. 1. The Board of Directors may:

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with sections 2 to 36.5, inclusive, of this act to carry into effect the powers and purposes of sections 2 to 36.5, inclusive, of this act.

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in sections 2 to 36.5, inclusive, of this act.

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance from the divisions of the Department.

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by sections 2 to 36.5, inclusive, of this act.

2. Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the Bank may exercise any fiscal power granted to the Bank in sections 2 to 36.5, inclusive, of this act, without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. In exercising the powers and performing the functions set forth in sections 2 to 36.5, inclusive, of this act, the members of the Board of Directors:

(a) Must act in a commercially reasonable manner and in the interests of this State. For the purposes of this paragraph, the interests of this State include, without limitation, the public welfare and economy of this State and the long-term and short-term interests of this State.

(b) May, unless a member of the Board of Directors has knowledge concerning a matter in question that would cause reliance thereon to be unwarranted, rely on information, opinions, reports, books of account or statements, including, without limitation, financial statements and other financial data, that are prepared or presented by:

(1) One or more members of the Board of Directors or officers or employees of the Bank reasonably believed to be reliable and competent in the matters prepared or presented;

(2) Counsel, public accountants, financial advisers, valuation advisers, investment bankers, engineers, architects or other persons as to matters reasonably believed to be within the professional or expert competence of the preparer or presenter; or

(3) A committee on which the director or officer relying thereon does not serve, as to matters within the designated authority of the committee and matters on which the committee is reasonably believed to merit confidence.

4. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of title 55 of NRS or under the control of an agency of United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

5. *The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.*

6. *The provisions of titles 55, 56 and 57 of NRS do not apply to the Bank.*

Sec. 22. 1. *The Governor shall, to the extent that money is available from public or private sources for administrative costs, appoint an Executive Director of the Bank. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

2. *The Executive Director shall administer, manage and conduct the business and affairs of the Bank subject to the direction of the Board of Directors, any conditions that the Board of Directors may from time to time prescribe or as delegated by the Board of Directors. Except as otherwise provided in this subsection, the Executive Director may exercise any power, function or duty conferred by law on the Bank in connection with the administration, management and conduct of the business and affairs of the Bank, including, without limitation:*

(a) Hiring, to the extent that money is available from public or private sources for administrative costs, such employees in either the classified or unclassified service of the State as are necessary to carry out the statutory purposes and powers of the Bank.

(b) Entering into contracts concerning investments, guarantees or credit enhancements.

(c) Establishing procedures, guidelines, criteria, terms, conditions or other requirements of any contract, bond, loan, grant or program in order to carry out the intents and purposes of the Bank in authorizing the contract, bond, loan, grant or other program.

(d) Declining to guarantee any risk or to enter into any contract.

(e) Reinsuring any risk or any part of any risk, as provided in section 26 of this act.

(f) Making rules for payments through the Bank and determining to whom and through whom the payments are to be made.

(g) Investing and reinvesting any money belonging to the Bank.

(h) Entering into any contract or agreement, executing any instrument, conducting all business and affairs and performing any act necessary or convenient to carrying out the statutory purposes and powers of the Bank.

(i) Executing any instrument or performing any act necessary or convenient to carry out his or her duties pursuant to sections 2 to 36.5, inclusive, of this act.

3. *The Executive Director and any employees hired pursuant to this section must be paid by the Bank from money allocated to the Bank and appropriated or authorized by the Legislature or the Interim Finance Committee.*

Sec. 23. 1. *The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.*

2. *The Fund is administered by the Board of Directors.*

3. *The Board of Directors may establish accounts and subaccounts within the Fund, but shall establish, without limitation:*

- (a) A federal highway account;*
- (b) A federal nonhighway account;*
- (c) A state and local highway account;*
- (d) A state and local nonhighway account;*
- (e) A state and local utility infrastructure account; and*
- (f) A federal utility infrastructure account.*

4. *Except as otherwise provided in subsection 7, all money received by the Bank pursuant to sections 2 to 36.5, inclusive, of this act must be deposited in the Fund.*

5. *The Bank may accept for deposit into the Fund:*

- (a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;*
- (b) Federal funds made available to the State;*
- (c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;*
- (d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:*

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to section 26 of this act;

(e) Proceeds from the issuance of bonds or other securities pursuant to section 21 of this act; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. *The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:*

- (a) Any conditions or limitations on expenditures;*
- (b) Reporting; and*
- (c) The commingling of federal funds.*

7. *Earnings on balances in the federal accounts must be credited and invested in accordance with federal law. Earnings on state and local accounts must be deposited in the Fund to the credit of the state and local highway account, state and local nonhighway account or state and local utility infrastructure account that generates the earnings.*

8. *Money in the Fund may be used only:*

- (a) For the capitalization of the Bank; and*
- (b) To carry out the statutory purposes and powers of the Bank.*

9. *A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning*

or owning a transportation facility or utility infrastructure or for any other purpose set forth in sections 2 to 36.5, inclusive, of this act, to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 24. 1. A governmental unit, or an entity established by agreement between a governmental unit and a private entity, that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.

2. The Executive Director shall:

(a) Review each application and determine whether the transportation facility or utility infrastructure described in the application is an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

➤ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

Sec. 25. 1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank must enter into a financing agreement with the Bank and may be required to issue a loan obligation to the Bank. Except as otherwise provided by specific statute, a qualified borrower entering into a financing agreement with the Bank or issuing a loan obligation to the Bank may perform any act, take any action, adopt any

proceedings and make and carry out any contract or agreement with the Bank as may be agreed to by the Bank and the qualified borrower for carrying out the purposes contemplated by sections 2 to 36.5, inclusive, of this act.

2. A qualified borrower may, in addition to any authorization set forth in this section, use any authorization granted by any other statute that allows the qualified borrower to borrow money and issue obligations in obtaining a loan or other financial assistance from the Bank to the extent determined necessary or useful by the qualified borrower in connection with any financing agreement or the issuance, securing or sale of a loan obligation to the Bank.

3. A qualified borrower may:

(a) Receive, apply, pledge, assign and grant security interests in its project revenues to secure its loan obligations as provided in sections 2 to 36.5, inclusive, of this act; and

(b) Impose and collect fees, rates, rents, assessments and other charges of general or special application for the operation of a qualified project, the system of which the qualified project is a part and any other revenue producing facilities from which the qualified borrower derives project revenues to meet its loan obligations under a financing agreement or to otherwise provide for the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a qualified project.

Sec. 26. 1. The Bank may provide insurance or reinsurance of loans or portions thereof, or their debt service, including, without limitation, amounts payable as premiums or penalties in the event of mandatory or optional prepayment, made to finance a qualified project, and to provide insurance or reinsurance or reserves, or portions thereof, or the yield therefrom, established to secure bonds or other securities issued to fund those loans or reserves.

2. The Bank may:

(a) Arrange an agreement for insurance or reinsurance with a user, mortgagor, lending institution, insurer or any other entity authorized to arrange such agreements in this State; and

(b) Enter into an agreement for insurance or reinsurance with any insurer authorized to reinsure or insure such risks in this State.

3. The Bank may fix a rate or rates of premium for insurance or reinsurance. The rates are not required to be uniform and may reflect any risk and classification of risk that the Bank determines to be reasonable.

4. The Bank may exercise any other power that is necessary or incidental to insurance, reinsurance and related matters.

5. The Bank shall make reasonable provisions for the security of loans made by the Bank, and any insurance, reinsurance and other financing arrangements negotiated by the Bank.

6. Any insurance or reinsurance provided by the Bank does not constitute a debt or pledge of the faith and credit of the State or any subdivision of the State.

Sec. 27. The Bank may provide security for any issue of revenue bonds by the Bank through any commonly accepted financial instrument, including, without limitation:

1. A deed of trust on the resources, facilities and revenues of one or more qualified projects financed by the Bank;

2. A credit enhancement, including, without limitation, a letter of credit, bond insurance or surety bond provided by a private financial institution; and

3. Insurance, reinsurance or a guarantee provided by the Bank itself.

Sec. 28. 1. Any obligation to a third person made by the Bank, including, without limitation, a bond or other security issued by the Bank pursuant to section 21 of this act and any insurance, reinsurance or reserve provided by the Bank pursuant to section 26 of this act:

(a) Does not constitute a debt, liability or obligation of this State or any political subdivision thereof, or a pledge of the faith and credit of this State or any political subdivision thereof, but is payable solely from the revenues or assets of the Bank; and

(b) Must contain on the face thereof a statement to the effect that the Bank is not obligated to pay the obligation or any interest thereon except from the revenues or assets, if any, pledged therefor and that neither the faith and credit nor the taxing power of this State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation.

2. Except as otherwise provided in subsection 3, this section does not prohibit the Bank from:

(a) Pledging the full faith and credit of the Bank for the satisfaction of any obligation to a third person made by the Bank; or

(b) Issuing a bond guarantee or credit enhancement for bonds issued by a qualified borrower.

3. Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, the Bank shall not act as a surety or guarantor for a private utility or any other private company, association or corporation.

Sec. 29. 1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

- (a) An appropriation by the Legislature;
- (b) Any federal law;
- (c) A contract to which the State is a party;
- (d) A contract to which a governmental unit or qualified borrower is a party; or
- (e) A judgment of a court that is binding upon the State.

Sec. 30. The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to sections 2 to 36.5, inclusive, of this act.

Sec. 31. Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, and notwithstanding any other provision of law, the Bank is not required to provide any notice or publication or to conduct any hearing or other proceeding before performing any act authorized in sections 2 to 36.5, inclusive, of this act.

Sec. 32. The Bank is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.

Sec. 33. 1. Except as otherwise provided in subsection 2, bonds and other securities issued by the Bank pursuant to the provisions of sections 2 to 36.5, inclusive, of this act, their transfer and the income therefrom must forever be and remain free and exempt from taxation by this State or any subdivision thereof.

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

Sec. 34. Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, sections 2 to 36.5, inclusive, of this act are supplemental to, and not in lieu of, the right of any qualified borrower to issue general obligation bonds or other bonds that the qualified borrower is otherwise lawfully authorized to issue.

Sec. 35. 1. To the extent possible, the provisions of sections 2 to 36.5, inclusive, of this act are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 2 to 36.5, inclusive, of this act. If there is a conflict

between such other provisions and the provisions of sections 2 to 36.5, inclusive, of this act, the provisions of sections 2 to 36.5, inclusive, of this act control.

2. *The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.*

Sec. 36. *The Board of Directors shall, not later than 90 days after the end of each fiscal year:*

1. *Prepare a report on the operations of the Bank during that year.*

2. *Submit the report prepared pursuant to subsection 1 to:*

(a) *The Governor; and*

(b) *The Director of the Legislative Counsel Bureau for transmittal to:*

(1) *If the report is prepared in an even-numbered year, the next regular session of the Legislature; or*

(2) *If the report is prepared in an odd-numbered year, the Legislative Commission.*

Sec. 36.5. *Any division of the Department may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.*

Sec. 36.6. *NRS 408.111 is hereby amended to read as follows:*

408.111 1. *The Department consists of a Director, two Deputy Directors, a Chief Engineer and the following ~~divisions~~:*

(a) *Administrative Division.*

(b) *Operations Division.*

(c) *Engineering Division.*

(d) *Planning Division.*

(e) *Nevada State Infrastructure Bank.*

2. *The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.*

Sec. 36.7. *NRS 408.116 is hereby amended to read as follows:*

408.116 *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act:*

1. *All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.*

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 36.8. NRS 408.131 is hereby amended to read as follows:

408.131 ~~{The}~~ *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the Board shall:*

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 36.9. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~{The}~~ *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.*

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~{All}~~ *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.*

Sec. 37. (Deleted by amendment.)

Sec. 37.1. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. The Deputy Director described in this paragraph shall coordinate the implementation of NRS 408.441 to 408.451, inclusive, with the State Department of Conservation and Natural Resources.

(d) ~~Employ~~ Except as otherwise provided in section 22 of this act, employ such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 37.2. NRS 408.205 is hereby amended to read as follows:

408.205 1. With the approval of the Board, the Director may execute all plans, specifications, contracts and instruments in the name of the State of Nevada necessary for the carrying out of the provisions of this chapter, except as otherwise provided in sections 2 to 36.5, inclusive, of this act and except those construction contracts as provided in NRS 408.327 and 408.347.

2. The Director has such other power and authority as is necessary and proper under the provisions of this chapter, or as the Board delegates to the Director.

3. The Director shall provide for the purchase of United States Savings Bonds or similar United States obligations by salary or wage deductions for officers and employees of the Department who make written requests for such deductions and purchases. To allow all Department officers and employees the opportunity of requesting salary or wage deductions for the purchase of United States obligations, the Director shall provide forms authorizing the deductions and purchases and shall make them readily available to all Department officers and employees.

Sec. 37.3. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, except as otherwise provided in sections 2 to 36.5, inclusive, of this act and except those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 37.4. NRS 408.225 is hereby amended to read as follows:

408.225 Except as otherwise provided in NRS 408.323 ~~{,}~~ and in sections 2 to 36.5, inclusive, of this act, the Director, with the approval of the Board, may rent, lease, purchase and contract for all equipment, materials, supplies, vehicles, road machinery, tools, implements and technical services required for the purpose of this chapter. Such equipment, supplies and services must be managed and used under the control of the Director.

Sec. 37.5. NRS 408.265 is hereby amended to read as follows:

408.265 ~~{All}~~ Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all money received from the Government of the United States and by virtue of the provisions of any Act of Congress for the engineering, planning, surveying, acquiring of property, constructing, reconstructing or improving of any highway in the State must be put into the State Treasury and become a part of the State Highway Fund and that Fund must not be used for any other purpose.

Sec. 37.6. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2 ~~{,}~~ and sections 2 to 36.5, inclusive, of this act, the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds \$50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

- (1) Purchasing, operating and maintaining the same item of equipment;
 - (2) Leasing, operating and maintaining the same item of mobile equipment; or
 - (3) Contracting for the performance of the work which would have been performed using the mobile equipment; and
- (b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds \$50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 37.7. NRS 338.080 is hereby amended to read as follows:

338.080 ~~[None]~~ *Except as otherwise provided in section 35 of this act, none of the provisions of NRS 338.020 to 338.090, inclusive, apply to:*

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than \$250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below \$250,000.

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 37.8. Section 54 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 55, is hereby amended to read as follows:

Sec. 54. The Convention Authority shall:

1. Provide administrative support to the Oversight Panel to ensure its ability to fulfill the duties and responsibilities set forth in section 55 of this act.

2. Provide to the Oversight Panel all information requested by the Oversight Panel.

3. On or before June 30 of each fiscal year ending in an even-numbered year, prepare a 3-year plan for the renovation and expansion of the convention facilities of the Convention Authority and a 5-year plan for the construction of such convention facilities, which are being financed by the revenue described in section 56 of this act and the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act, and submit such plans to the Oversight Panel for its review and recommendations.

4. Provide to the Oversight Panel an annual progress report on the project described in paragraph (a) of subsection 3 of section 59 of this act after such a report has been accepted by the Board of Directors of the Convention Authority.

5. Request the approval of the Oversight Panel of the plan for the project described in paragraph (a) of subsection 3 of section 59 of this act.

6. Request the approval of the Oversight Panel for the issuance of such bonds.

7. ~~[On or before August 31]~~ Not later than 5 months after the close of each fiscal year, submit to the Oversight Panel for review an annual third-party audit for the fiscal year of the use of the revenues described in section 56 of this act and the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act.

Sec. 37.9. Section 61 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 58, is hereby amended to read as follows:

Sec. 61. 1. In addition to the purposes set forth in subsection 1 of NRS 244A.637, to pay the cost to expand, construct, improve, maintain and renovate the Las Vegas Convention Center and other facilities of the Convention Authority, or for any combination thereof, the Convention Authority, at any time or from time to time may, in the name of and on behalf of the County, issue general obligations bonds or revenue bonds as described in paragraphs (a) and (b) of subsection 1 of NRS 244A.637.

2. If the Convention Authority, in the name of and on behalf of the County, issues general obligations after the Board of Directors of the Convention Authority has determined that the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act that will be pledged to the payment of the general obligations, together with any available proceeds of any other taxes imposed on the rental of transient lodging that will be pledged to the general obligations and the revenues described in section 56 of this act that will be pledged to the general obligations, will generate sufficient revenue to meet or exceed a debt service coverage ratio of 1.5 times the anticipated annual debt service for each of the terms of the obligations, the general obligations:

(a) Must be issued pursuant to an ordinance of the Board of County Commissioners as provided in the Local Government Securities Law, and no other approval by a governmental entity or otherwise is required for the issuance of the general obligations under the laws of this State. The issuance of the general obligations is not subject to the requirements of NRS 350.011 to 350.0165, inclusive, and 350.020.

(b) Are exempt from the limitation on indebtedness set forth in NRS 244A.059, and must not be included in the calculation of the indebtedness of the County under that section, but the County shall not become indebted by the issuance of general obligation indebtedness for the purposes set forth in sections 53 to 61.7,

inclusive, of this act in an amount exceeding 5 percent of the total last assessed valuation of taxable property of the County.

(c) Must be treated as if the finding described in subparagraph (1) of paragraph (b) of subsection 3 of NRS 361.4727 has been made by the Board of County Commissioners and approved by the debt management commission of the County pursuant to subparagraph (2) of paragraph (b) of subsection 3 of NRS 361.4727.

3. Any determination or finding by the Board of Directors of the Convention Authority or the Board of County Commissioners pursuant to this section is conclusive, absent fraud.

Sec. 38. 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. 1. This section and sections 37.8 and 37.9 of this act become effective upon passage and approval.

2. Sections 1 to 37.7, inclusive, and 38 of this act ~~becomes~~ become effective ~~upon~~:

(a) Upon passage and approval for the purposes of establishing the Nevada State Infrastructure Bank and appointing the Board of Directors.

~~2.~~ (b) For all other purposes, ~~this act becomes effective~~ on the date on which the Director of the Department of Transportation notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Nevada State Infrastructure Bank created by section 20 of this act.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

This amendment to Assembly Bill No. 399 is a technical clean up to Senate Bill 1 from the Special Session, last year. It aligns the required audit dates to ensure there is an effective oversight of the revenues being expended and provides that the room and tax revenues are dedicated to support the construction bonds. All current obligations, school construction, transportation, etc. supported by room tax will be unaffected.

Amendment adopted.

Bill read third time.

Remarks by Senators Manendo and Hammond.

SENATOR MANENDO:

Assembly Bill No. 399 establishes the Nevada State Infrastructure Bank for the purpose of providing loans and other financial assistance to various units of State and local government for the development, construction, improvement, operation and ownership of certain transportation facilities and utility infrastructure. The bill creates the Bank within the Department of Transportation and provides for its governance by a Board of Directors whose members are public officers who must act in good faith in a commercially reasonable manner. The Board is authorized to issue bonds or other securities to raise money to carry out its statutory purposes and powers. Finally, the bill requires the Governor, to the extent that money is available from public or private sources for administrative costs, to appoint an Executive Director to administer, manage and conduct the affairs of the Bank, and establishes the powers and duties of the Executive Director.

There was a similar bill that passed unanimously earlier, Senate Bill No. 517. I would like to commend my colleague from Senate District No. 18 for working collaboratively to create good policy to help put people back to work and move Nevada forward.

SENATOR HAMMOND:

I rise in support of the measure. We have seen this go into effect in 34 other states and the net effect has been a stimulation of their transportation infrastructure. We are going beyond that with this bill. We want to make sure we are ready to move Nevada forward as the federal government starts to invest again in the State. I appreciate the work my colleague, who spoke previously, has given to this bill.

Roll call on Assembly Bill No. 399:

YEAS—20.

NAYS—None.

EXCUSED—Goicoechea.

Assembly Bill No. 399 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 52.

Bill read third time.

Remarks by Senator Cancela.

Assembly Bill No. 52 adds a new chapter to *Nevada Revised Statutes* governing the review and permitting of dissolved mineral resource exploration projects as defined in the bill. This bill deals with dissolved mineral exploration only; it does not apply to production and makes clear, that in order to have a dissolved mineral production well, a water right is needed. Additionally, the bill and corresponding regulations apply prospectively. Moreover, the Division of Minerals, the Division of Division of Environmental Protection and the Division of Water Resources will all work together on regulations with stakeholder involvement. The bill calls for the proper regulation and exploration of wells and boreholes. Finally, the bill limits the water to be used to no more than 5 acre feet per project not per well. If there is more right needed for a project, the water right is necessary.

Roll call on Assembly Bill No. 52:

YEAS—20.

NAYS—None.

EXCUSED—Goicoechea.

Assembly Bill No. 52 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Assembly Bill No. 249, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 966 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

Conference Amendment No. 3.

SUMMARY—Requires the State Plan for Medicaid and all health insurance plans to provide certain benefits relating to contraception. (BDR 38-858)

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits relating to contraception; revising provisions relating to dispensing of contraceptives;

requiring all health insurance plans to provide certain benefits relating to contraception; 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) 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 these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, requires certain contraceptive drugs, devices and services to be covered by every health insurance plan without any copay, coinsurance or higher deductible. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) The provisions of this bill do not require a public or private insurer to provide coverage for the purpose of terminating a pregnancy. Sections 3, 4 and 7-25 of this bill align Nevada law with federal law, requiring all public and private health insurance plans made available in this State to provide coverage for certain benefits relating to contraception without any copay, coinsurance or a higher deductible. Sections 3, 4 and 7-25 require certain contraceptive drugs, devices and services which are approved by the Food and Drug Administration to be covered by a health insurance plan, including, without limitation, up to a 12-month supply of a drug for contraception or its therapeutic equivalent, insertion of a device for contraception, removal of such a device that was inserted while the insured was covered by the same policy of health insurance, education and counseling relating to contraception, management of side effects relating to contraception and voluntary sterilization for women. Sections 3, 4 and 7-25 allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug. In addition, a health insurance plan must include for each method of contraception which is approved by the Food and Drug Administration and for which the insurer is required to provide coverage at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. Sections 3, 4 and 7-25 authorize an insurer to use medical management techniques to determine the frequency of treatment using the contraceptive drugs, devices and services required by this bill. Sections 3, 4 and 7-25 prohibit an insurer from using medical management techniques to require an insured to use a method of contraception other than that prescribed by a provider of health care. Sections 3, 4 and 7-25 additionally require an insurer to provide a process by which an insured may request an exemption from a medical management technique required by an insurer. Sections 3, 4 and 7-25 also require a health insurance plan to provide coverage for certain therapeutic equivalent drugs relating to contraception when a therapeutic equivalent covered by the plan is deemed to be medically inappropriate by a provider of health care. Additionally, sections 7, 11, 14, 16, 17, 20 and 25 require that the benefits provided by a health insurance plan relating to contraception which are provided to the insured must also be provided to a covered dependent of an insured.

Existing law allows 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, 689B.0376, 695B.1916, 695C.1694) Sections 7, 11, 14, 16, 17, 20 and 25 of this bill move the religious exemption coverage for the contraceptive drugs, devices and services required by this bill to the new provisions relating to coverage of contraception.

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 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 Nevada law requires a number of specific medical

services to be covered under Medicaid. (NRS 422.2717-422.27241) Section 1 of this bill requires the State Plan for Medicaid to include certain benefits relating to contraception currently required to be covered by private health insurance plans pursuant to existing Nevada law and the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, as well as certain additional benefits related to contraception required by sections 3, 4 and 7-25 of this bill without any copay, coinsurance or deductible in most cases. The benefits relating to drugs for contraception which are provided by section 1 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 4.5 of this bill requires a pharmacist to dispense up to a 12-month supply of drugs for contraception or a therapeutic equivalent thereof 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 less; (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 a new section to read as follows:

1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures for family planning services and supplies, including, without limitation:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception 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 the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. *Except as otherwise provided in subsections 4 and 5, to obtain any benefit included 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) 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 for contraception if the person refuses to accept a therapeutic equivalent of the drug.*

5. *For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one drug or device for contraception 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 drug or device that provides the same method of contraception.*

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. 2. (Deleted by amendment.)

Sec. 2.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, *and section 1 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. 3. 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 section 11 of this act* and 689B.287 apply to coverage provided pursuant to this paragraph ~~{ }~~, *except that the provisions of section 11 of this act only apply to coverage for active officers and employees of the governing body or the dependents of such officers and employees.*

(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. 4. 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 25 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. 4.5. 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 therapeutic equivalent, 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 or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.*

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 designated in the evidence of coverage of a health care plan in which a person is covered by such 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. 5. 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 in section 4.5 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. 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. 6. (Deleted by amendment.)

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 7, 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:*

(1) *Lawfully prescribed or ordered;*

(2) *Approved by the Food and Drug Administration;*

(3) *Listed in subsection 10; and*

(4) *Dispensed in accordance with section 4.5 of this act;*

(b) *Any type of device for contraception which is:*

(1) *Lawfully prescribed or ordered;*

(2) *Approved by the Food and Drug Administration; and*

(3) *Listed in subsection 10;*

(c) *Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;*

(d) *Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;*

(e) *Management of side effects relating to contraception; and*

(f) *Voluntary sterilization for women.*

2. *An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.*

3. *If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.*

4. *Except as otherwise provided in subsections 8, 9 and 11, 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 for coverage to obtain any benefit included in the policy 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 any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, 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.

7. 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.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method 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 drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "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. 8. 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 ~~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. 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, 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.

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, 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:

(a) 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. 9. 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 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, 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.

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, 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.}~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. 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 section 7 of this act.

Sec. 11. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, 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:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection 11; and
- (4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, 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 included in the policy 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 to 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.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, 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.

7. An insurer that 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 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.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method 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 drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "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. 12. 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 ~~{~~:

~~— (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 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, 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 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.

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, 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:

(a) 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.} As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.~~

Sec. 13. 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 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, 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.

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, 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.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 7, 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:*

- (1) *Lawfully prescribed or ordered;*
- (2) *Approved by the Food and Drug Administration;*
- (3) *Listed in subsection 10; and*
- (4) *Dispensed in accordance with section 4.5 of this act;*

(b) *Any type of device for contraception which is:*

- (1) *Lawfully prescribed or ordered;*
- (2) *Approved by the Food and Drug Administration; and*
- (3) *Listed in subsection 10;*

(c) *Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;*

(d) *Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;*

(e) *Management of side effects relating to contraception; and*

(f) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, 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 included 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 to 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.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, 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.

7. 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.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method 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 drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "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. 15. 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 section 14 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. 16. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, 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:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

- (e) Management of side effects relating to contraception; and
- (f) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, 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 for any benefit included 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 to 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.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, 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.

7. 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.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method 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 drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;

- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "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. 17. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, 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:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, 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 included 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 to 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.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, 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.

7. 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.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method 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 drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "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. 18. 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 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, 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.

3. ~~[Except as otherwise provided in subsection 5, a]~~ A contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, 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:

(a) 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.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. 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 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, 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.

3. ~~[Except as otherwise provided in subsection 5, a]~~ A contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, 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.—~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 7, 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:*

- (1) *Lawfully prescribed or ordered;*
- (2) *Approved by the Food and Drug Administration;*
- (3) *Listed in subsection 11; and*
- (4) *Dispensed in accordance with section 4.5 of this act;*

(b) *Any type of device for contraception which is:*

- (1) *Lawfully prescribed or ordered;*
- (2) *Approved by the Food and Drug Administration; and*
- (3) *Listed in subsection 11;*

(c) *Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;*

(d) *Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;*

(e) *Management of side effects relating to contraception; and*

(f) *Voluntary sterilization for women.*

2. *A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.*

3. *If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.*

4. *Except as otherwise provided in subsections 9, 10 and 12, 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 included 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.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, 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.

7. 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 enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method 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 drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expeditious process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "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. 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.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.1757 and section 20 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. 22. 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 ~~{~~

~~—(a) Any type of drug or device for contraception; and~~

~~—(b) Any type of hormone replacement therapy ~~{~~~~

~~¶~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. 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, 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.

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, 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:

(a) 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.— As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.~~

Sec. 23. 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 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, 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.

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, 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.—~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. 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 section 20 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. 25. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 7, 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:*

(1) *Lawfully prescribed or ordered;*

(2) *Approved by the Food and Drug Administration;*

(3) *Listed in subsection 10; and*

(4) *Dispensed in accordance with section 4.5 of this act;*

(b) *Any type of device for contraception which is:*

(1) *Lawfully prescribed or ordered;*

(2) *Approved by the Food and Drug Administration; and*

(3) *Listed in subsection 10;*

(c) *Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;*

(d) *Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;*

(e) *Management of side effects relating to contraception; and*

(f) *Voluntary sterilization for women.*

2. *A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.*

3. *If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate*

therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, 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 included 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 benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits 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 benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, 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.

7. 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.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method 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 drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "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. 26. 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. 27. This act becomes effective on January 1, 2018.

PAT SPEARMAN

JULIA RATTI

HEIDI S. GANSERT

Senate Conference Committee

MICHAEL C. SPRINKLE

TERESA BENITEZ-THOMPSON

Assembly Conference Committee

Senator Spearman moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 249.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

President Hutchison appointed Senators Atkinson, Segerblom and Gansert as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 69.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Segerblom moved that Assembly Bill No. 422 be taken from the General File, last Agenda, and placed on the General File, this Agenda.

Motion carried.

Senator Harris requested to rescind the process, per Senate Standing Rule No. 112.3, whereby her name be removed as a sponsor of Senate Bill No. 539.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by Senator Ford:

Amendment No. 1151.

SUMMARY—Revises provisions relating to the use of marijuana. (BDR 40-983)

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring responsibility for the regulation of medical marijuana establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; revising provisions relating to registry identification cards and letters of approval; revising provisions relating to the authorization of nonresidents to engage in the medical use of marijuana; prohibiting the Department of Taxation from requiring a medical marijuana dispensary to determine whether a person has exceeded the legal limits for possession of marijuana for medical use; revising provisions relating to medical marijuana establishment agents; prohibiting the use of a vending machine to dispense marijuana; requiring each marijuana establishment and medical marijuana establishment to submit to the Department of Taxation a report of information concerning the production and sale of marijuana; establishing limitations on the regulation and taxation of a marijuana establishment or medical marijuana establishment by a city, town or county; ~~revising the distribution of excise taxes on sales of marijuana for medical purposes;~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts a person who holds a valid registry identification card or letter of approval from state prosecution for the use, possession, delivery and production of marijuana. (NRS 453A.200, 453A.205) Existing law also exempts a person who holds a valid medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. (NRS 453A.200, 453A.320-453A.370) Sections 2, 8, 9, 11, 13-15, 27-42, 44-48, 51 and 66-68 of this bill transfer the responsibility for the regulation of medical marijuana establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation. Section 38 of this bill prohibits a medical marijuana establishment from dispensing or otherwise selling marijuana using a vending machine. Section 56.7 of this bill

establishes a similar prohibition for recreational marijuana establishments after January 1, 2020.

Existing law requires a person who wishes to engage in the medical use of marijuana to apply to the Division of Public and Behavioral Health of the Department of Health and Human Services for a registry identification card or letter of approval, as applicable, and grants the holder of such a card or letter an exemption from state prosecution for certain crimes relating to marijuana. (NRS 453A.200, 453A.205) Existing law requires such an application to be accompanied by valid, written documentation from the applicant's attending physician. (NRS 453A.210) Section 19 of this bill instead requires the applicant's attending provider of health care to: (1) maintain such written documentation and make such written documentation available to the Division upon request; and (2) sign the application to affirm that the requirements of such written documentation have been met. Section 20 of this bill provides that such written documentation may be valid for either 1 year or 2 years and that a registry identification card or letter of approval based on such written documentation is valid for the same period of time. Section 55 of this bill reduces the maximum fee that the Division may charge for issuing a registry identification card or letter of approval from \$75 per year to \$50 per year.

Existing law requires a medical marijuana establishment that wishes to retain as a volunteer or employ or contract with a person to provide labor to the medical marijuana establishment to submit an application to register the person as a medical marijuana establishment agent. (NRS 453A.332) Section 31 of this bill allows such a person to submit an application for registration as a medical marijuana establishment agent on his or her own behalf. Section 31 also provides for the temporary registration of a person as a medical marijuana establishment agent upon submission of a complete application for registration or renewal of registration. Finally, section 31 allows an independent contractor or employee of an independent contractor who is registered as a medical marijuana establishment agent to provide labor to any medical marijuana establishment and any other person who is registered as a medical marijuana establishment agent to work or volunteer at any medical marijuana establishment for which the category of the person's medical marijuana establishment agent card is valid.

Existing law limits the exemption from state prosecution for the medical use of marijuana to the possession of not more than 2.5 ounces of usable marijuana in a 14-day period, 12 marijuana plants and a quantity of edible marijuana products and marijuana-infused products established by regulation. (NRS 453A.200) Existing law also prohibits a medical marijuana dispensary from selling marijuana in excess of these limits to a person. (NRS 453A.358) Section 41 of this bill instead: (1) prohibits a medical marijuana dispensary from selling more than 1 ounce of marijuana in a transaction; and (2) prohibits the Department of Taxation from requiring a medical marijuana dispensary to track the purchases of a person or determine whether a person

has exceeded the legal limits for possession of marijuana for medical use. Section 41 further provides that only persons who are 21 years of age or more or hold a registry identification card or letter of approval are allowed to enter a medical marijuana dispensary.

Existing law allows a medical marijuana dispensary to recognize a nonresident card for the purpose of dispensing marijuana for medical use if the nonresident card meets certain requirements that make it the functional equivalent of a registry identification card. Existing law also requires, as of April 1, 2018, a nonresident card to be verified by the use of certain databases. (NRS 453A.364) Section 43 of this bill instead: (1) deems a nonresident who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence to be listed in the medical marijuana registry for the purpose of exemption from state prosecution, if the person abides by the legal limits on the possession, delivery and production of marijuana in this State; and (2) authorizes a medical marijuana dispensary to dispense marijuana to such a person if the person presents a document which is valid proof of exemption under the laws of the state or jurisdiction of which the person is a resident. Section 69 of this bill eliminates the prospective requirement to verify a nonresident authorization by the use of certain databases.

Sections 65.6-65.85 of this bill limit the regulations and license taxes that a city, town or county may impose on a marijuana establishment or medical marijuana establishment.

Section 65.95 of this bill requires each marijuana establishment and medical marijuana establishment to submit a report to the Department of Taxation that includes certain information concerning the production and sale of marijuana by the establishment.

~~[Existing law distributes 75 percent of the proceeds of the excise taxes on medical marijuana establishments to the State Distributive School Account in the State General Fund and 25 percent to pay the costs of the Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out the laws of this State relating to medical marijuana establishments. (NRS 372A.290) Section 65.98 of this bill, consistent with sections 2, 8, 9, 11, 13-15, 27-42, 44-48, 51 and 66-68 of this bill which transfer the responsibility for the regulation of medical marijuana establishments from the Division to the Department of Taxation, directs 25 percent of the proceeds of such excise taxes to the Department of Taxation.]~~

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

Section 1. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Department" means the Department of Taxation.*

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. 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 sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. NRS 453A.030 is hereby amended to read as follows:

453A.030 "Attending ~~physician~~ provider of health care" means a ~~physician~~ provider of health care, as defined in NRS 629.031, who:

1. Is licensed or certified to practice ~~in~~
 - ~~— (a) Medicine pursuant to the provisions of chapter 630 of NRS; or~~
 - ~~— (b) Osteopathic medicine pursuant to the provisions of chapter 633 of NRS; and~~
2. Has responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

Sec. 8. NRS 453A.056 is hereby amended to read as follows:

453A.056 "Cultivation facility" means a business that:

1. Is registered with the ~~Division~~ Department pursuant to NRS 453A.322; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:
 - (a) Medical marijuana dispensaries;
 - (b) Facilities for the production of edible marijuana products or marijuana-infused products; or
 - (c) Other cultivation facilities.

Sec. 8.5. NRS 453A.080 is hereby amended to read as follows:

453A.080 1. "Designated primary caregiver" means a person who:

- (a) Is 18 years of age or older;
- (b) Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition; and
- (c) Is designated as such in the manner required pursuant to NRS 453A.250.

2. The term does not include the attending ~~physician~~ provider of health care of a person diagnosed with a chronic or debilitating medical condition.

Sec. 9. NRS 453A.102 is hereby amended to read as follows:

453A.102 "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and
2. Is accessible by the Division *and the Department* and by registered medical marijuana establishments.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 453A.105 is hereby amended to read as follows:

453A.105 "Facility for the production of edible marijuana products or marijuana-infused products" means a business that:

1. Is registered with the ~~{Division}~~ Department pursuant to NRS 453A.322; and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 453A.115 is hereby amended to read as follows:

453A.115 "Medical marijuana dispensary" means a business that:

1. Is registered with the ~~{Division}~~ Department pursuant to NRS 453A.322; and
2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card ~~{-}~~ or to another medical marijuana dispensary.

Sec. 14. NRS 453A.118 is hereby amended to read as follows:

453A.118 "Medical marijuana establishment agent registration card" means a registration card that is issued by the ~~{Division}~~ Department pursuant to NRS 453A.332 to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 15. NRS 453A.119 is hereby amended to read as follows:

453A.119 "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the ~~{Division}~~ Department pursuant to NRS 453A.322 to authorize the operation of a medical marijuana establishment.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 17.5. NRS 453A.170 is hereby amended to read as follows:

453A.170 "Written documentation" means:

1. A statement signed by the attending ~~{physician}~~ provider of health care of a person diagnosed with a chronic or debilitating medical condition; or
2. Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

Sec. 18. 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 the regulations adopted by the ~~Division~~ *Department* 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. 19. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards and letters of approval to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

- (a) ~~[Valid, written documentation]~~ A signature from the person's attending ~~[physician stating]~~ provider of health care affirming that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; ~~and~~

(3) The attending ~~physician~~ *provider of health care* has explained the possible risks and benefits of the medical use of marijuana; *and*

(4) *The attending provider of health care will keep, in the files maintained by the attending provider of health care for the person, valid, written documentation and make such written documentation available to the Division upon request;*

(b) The name, address, telephone ~~number, social security~~ number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending ~~physician;~~ *provider of health care;*

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address ~~and~~ *and* telephone number ~~and social security number~~ of the designated primary caregiver; and

(2) A ~~written, signed statement~~ *signature* from the person's attending ~~physician in which~~ *provider of health care affirming that* the attending ~~physician~~ *provider of health care* approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending ~~physician~~ *provider of health care* of the person under 18 years of age *is a physician licensed pursuant to chapter 630 or 633 of NRS and* has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. ~~[The form prescribed by the Division to be used by a person applying for a registry identification card or letter of approval pursuant to this section must be a form that is in quintuplicate.]~~ Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

- (a) Record on the application the date on which it was received;
- (b) Retain one copy of the application for the records of the Division; and
- (c) Distribute ~~[the other four]~~ copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

and

(3) ~~[One copy to the Central Repository for Nevada Records of Criminal History; and~~

~~—(4)] One copy to [:~~

~~——(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or~~

~~——(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.] the professional licensing board that has issued a license or certification to the attending provider of health care.~~

↗ ~~[The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c).] The [Board of Medical Examiners or the State Board of Osteopathic Medicine, as] applicable [,] professional licensing board shall report to the Division its findings as to the licensure or certification, as applicable, and standing of the applicant's attending [physician] provider of health care within 15 days after receiving a copy of an application pursuant to subparagraph ~~[(4)]~~ (3) of paragraph (c).~~

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within ~~[30 days after receiving the application.] the period of time specified by the Division by regulation.~~ The Division may contact an applicant, the applicant's attending ~~[physician] provider of health care~~ and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 ; ~~to:~~

~~——(1) Establish the applicant's chronic or debilitating medical condition; or~~

~~—(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;~~

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator of the Division pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending ~~[physician]~~ provider of health care of the applicant is not licensed ~~[to practice medicine or osteopathic medicine]~~ or certified in this State or is not in good standing, as reported by the ~~[Board of Medical Examiners or the State Board of Osteopathic Medicine, as]~~ applicable ~~[;]~~ professional licensing board;

~~(e) [The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;~~

~~—(f)]~~ The Division has prohibited the applicant from obtaining or using a registry identification card or letter of approval pursuant to subsection 2 of NRS 453A.300;

~~[(g)]~~ (f) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card or letter of approval revoked pursuant to NRS 453A.225; or

~~[(h)]~~ (g) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card or letter of approval is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card or letter of approval pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card or letter of approval ~~[upon the presentation to a law enforcement officer of the]~~ and may present a copy of the application provided to him or her pursuant to subsection 4 ~~[;]~~ as proof

that the person is deemed to hold a registry identification card to any person, including, without limitation, a law enforcement officer or a medical marijuana establishment agent at a medical marijuana dispensary.

9. *An attending provider of health care who signs an application pursuant to subsection 2 for a patient shall maintain valid, written documentation in the file the attending provider of health care maintains for the patient and make such written documentation available to the Division upon request.*

10. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 20. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a letter of approval or serially numbered registry identification card, as applicable, to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary, if any; and

(e) Any other information prescribed by regulation of the Division.

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

5. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card or letter of approval issued pursuant to this section is valid for a period of *either 1 year or 2 years, as specified by the attending provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval*, and may be renewed in accordance with regulations adopted by the Division.

Sec. 21. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card or letter of approval to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person ~~is~~

~~—(a) Provided~~ *provided* falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210, ~~is~~ ~~or~~

~~—(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210,~~

~~the Division shall immediately revoke the registry identification card or letter of approval issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.~~

2. ~~[If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.~~

~~—3.]~~ Upon the revocation of a registry identification card or letter of approval pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

~~{4.}~~ 3. The decision of the Division to revoke a registry identification card or letter of approval pursuant to this section is a final decision for the purposes of judicial review.

~~{5.}~~ 4. A person whose registry identification card or letter of approval has been revoked pursuant to this section may not reapply for a registry identification card or letter of approval pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 22. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending ~~{physician}~~ *provider of health care* or designated primary caregiver, if any; and

(b) Submit ~~{annually}~~ to the *Division, on a form prescribed by the Division*:

(1) ~~{Updated written documentation}~~ *On or before the date specified by the attending provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval pursuant to subsection 5 of NRS 453A.220, a signature from the person's attending ~~{physician in which the attending physician sets forth}~~ provider of health care affirming that:*

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending ~~{physician}~~ *provider of health care* has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address ~~{,}~~ *and* telephone number ~~{and social security number}~~ of the designated primary caregiver; and

(II) A ~~{written, signed statement}~~ *signature* from the person's attending ~~{physician in which}~~ *provider of health care affirming that the attending ~~{physician}~~ provider of health care approves of the designation of the primary caregiver.*

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card or letter of approval issued to the person shall be deemed expired. If the registry identification card or letter of approval of a person to whom the Division or its designee issued the card or letter pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card or letter of approval pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 23. (Deleted by amendment.)

Sec. 23.5. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending ~~[physician]~~ *provider of health care* as no longer having a chronic or debilitating medical condition, the person shall return his or her registry identification card or letter of approval and his or her designated primary caregiver, if any, shall return his or her registry identification card to the Division within 7 days after notification of the diagnosis.

Sec. 24. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card or letter of approval or to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires or is required to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division , *on a form prescribed by the Division*, the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card or letter of approval to the person, submit to the Division , *on a form prescribed by the Division*, the information

required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card or letter of approval, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

4. *A person who is the parent or legal guardian of one or more children who are listed in the medical marijuana registry may be the designated primary caregiver for each such child regardless of whether the person is also listed in the medical marijuana registry as a patient.*

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 26.5. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending ~~physician~~ *provider of health care* that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending ~~physician~~ *provider of health care* to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending ~~physician~~ *provider of health care* to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

↪ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

↪ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 27. NRS 453A.322 is hereby amended to read as follows:

453A.322 1. Each medical marijuana establishment must register with the ~~{Division}~~ *Department*.

2. A person who wishes to operate a medical marijuana establishment must submit to the ~~{Division}~~ *Department* an application on a form prescribed by the ~~{Division}~~ *Department*.

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}~~ *Department* 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}~~ *Department* 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,}~~ *Department*, 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,}~~ *Department*;

(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;

(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,}~~ *Department* 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,}~~ *Department* 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,}~~ *Department*;

(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}~~ Department 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}~~ Department 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}~~ Department 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 ~~{;}~~ , *except that the fingerprints of each person who is an owner, officer or board member of a medical marijuana establishment required to be submitted pursuant to subsection 4 must only be submitted:*

(1) *If such a person holds 5 percent or less of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals 5 percent or less, once in any 5-year period; and*

(2) *If such a person holds more than 5 percent of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals more than 5 percent, or is an officer or board member of a medical marijuana establishment, once in any 3-year period;*
~~{and}~~

(b) Payment of the renewal fee set forth in NRS 453A.344 ~~[]~~; and

(c) *If the medical marijuana establishment is an independent testing laboratory, submission of proof that the independent testing laboratory is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.*

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the ~~[Division]~~ Department shall consider the criteria of merit set forth in NRS 453A.328.

7. *The Department:*

(a) *Shall not require an applicant for registration as a medical marijuana establishment or for the renewal of a medical marijuana establishment registration certificate to submit a financial statement with the application for registration or renewal; and*

(b) *May require a medical marijuana establishment to submit a financial statement as determined to be necessary by the Department to ensure the collection of any taxes which may be owed by the medical marijuana establishment.*

8. 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. 28. 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]~~ Department 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]~~ Department:

(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]~~ Department 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}~~ *Department* issues at least one medical marijuana establishment registration certificate in each county of this State in which the ~~{Division}~~ *Department* 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}~~ *Department* accepts applications pursuant to subsection 4, 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. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the ~~{Division}~~ *Department* shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the ~~{Division}~~ *Department* has granted medical marijuana establishment registration certificates.

4. The ~~{Division}~~ *Department* shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 29. NRS 453A.326 is hereby amended to read as follows:

453A.326 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the ~~{Division}~~ *Department* shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries that may be certified in the county, as set forth in NRS 453A.324, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the ~~{Division}~~ *Department* shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

- (a) One medical marijuana establishment registration certificate; or
- (b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses, the issuance by the ~~{Division}~~ *Department* of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

- (a) The establishment is in compliance with all applicable local governmental ordinances or rules; and
- (b) The local government has issued a business license for the operation of the establishment.

4. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

Sec. 30. NRS 453A.328 is hereby amended to read as follows:

453A.328 In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the ~~{Division}~~ Department shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;
2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;
3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;
4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;
5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;
6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;
7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;
8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;
9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; ~~and~~
10. *The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and*
11. Any other criteria of merit that the ~~{Division}~~ Department determines to be relevant.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the ~~{Division}~~ Department pursuant to this section.

2. *A person who wishes to volunteer or work at a medical marijuana establishment, or a medical marijuana establishment that wishes to retain as a*

volunteer or employ ~~for a medical marijuana establishment agent~~ such a person, shall submit to the ~~[Division]~~ Department an application on a form prescribed by the ~~[Division]~~ Department. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the ~~[Division]~~ Department 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;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the ~~[Division]~~ Department may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment, or a medical marijuana establishment that wishes to contract with ~~an independent contractor to provide labor as a medical marijuana establishment agent~~ such a person, shall submit to the ~~[Division]~~ Department an application on a form prescribed by the ~~[Division]~~ Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business registration, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its

employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the ~~{Division}~~ *Department* 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;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the ~~{Division}~~ *Department* may require by regulation.

4. A medical marijuana establishment shall notify the ~~{Division}~~ *Department* within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

5. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

6. The ~~{Division}~~ *Department* shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the ~~{Division}~~ *Department* at the time the establishment was registered with the ~~{Division}~~ *Department*.

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the ~~{Division}~~ *Department* shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the ~~{Division}~~ *Department* does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the ~~{Division}~~ *Department* acts upon the application. A medical marijuana establishment agent registration card 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.

9. *A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.*

10. *A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.*

11. *Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.*

Sec. 32. NRS 453A.334 is hereby amended to read as follows:

453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:

- (a) A medical marijuana establishment agent registration card.
- (b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may , upon submission of a statement signed by a person authorized to submit such a statement by the governing documents of the medical marijuana establishment, transfer all or any portion of its ownership to another party, and the ~~[Division]~~ Department shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire the ownership of the medical marijuana establishment submits:

(a) ~~[Evidence]~~ If the party will acquire the entirety of the ownership interest in the medical marijuana establishment, evidence satisfactory to the ~~[Division]~~ Department that the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[Division]~~ Department 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.

(c) Proof satisfactory to the ~~{Division}~~ *Department* that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

Sec. 33. NRS 453A.336 is hereby amended to read as follows:

453A.336 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

(a) Include the social security number of the applicant in the application submitted to the ~~{Division}~~ *Department*.

(b) Submit to the ~~{Division}~~ *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 ~~{Division}~~ *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 medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the ~~{Division}~~ *Department*.

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the ~~{Division}~~ *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 ~~{Division}~~ *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. 34. NRS 453A.338 is hereby amended to read as follows:

453A.338 1. If the ~~{Division}~~ *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 the holder of a medical marijuana establishment

agent registration card or medical marijuana establishment registration certificate, the ~~{Division}~~ *Department* shall deem the card or 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}~~ *Department* receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{Division}~~ *Department* shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the ~~{Division}~~ *Department* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 35. 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}~~ *Department*, 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.

Sec. 36. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. 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.

3. Violating a regulation of the ~~{Division}~~ *Department*, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 37. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the

~~[Division]~~ *Department* 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

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the ~~[Division]~~ *Department*:

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the ~~[Division]~~ *Department* 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]~~ *Department* in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and
- (b) If any excess revenue remains after paying the costs described in paragraph (a), 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. 37.5. NRS 453A.350 is hereby amended to read as follows:

453A.350 1. Each medical marijuana establishment must:

(a) Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

(b) Comply with all local ordinances and rules pertaining to zoning, land use and signage;

(c) Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

(d) Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.

3. *If a medical marijuana establishment is operated by a dual licensee, as defined in NRS 453D.030, any provision of this section which is determined by the Department to be unreasonably impracticable pursuant to subsection 9 of NRS 453A.370 does not apply to the medical marijuana establishment.*

Sec. 38. 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 ~~}; and~~

(c) *Return for a refund marijuana, edible marijuana products or marijuana-infused products to the medical marijuana establishment from which the marijuana, edible marijuana products or marijuana-infused products were acquired.*

➤ 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~~ Department 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 dual licensee, as defined in NRS 453D.030:*

(a) *Shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee; and*

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical marijuana establishment operated by the dual licensee with the marijuana establishment, as defined in NRS 453D.030, operated by the dual licensee.

9. Each medical marijuana establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the medical marijuana establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

10. A medical marijuana establishment shall not dispense or otherwise sell marijuana, edible marijuana products or marijuana-infused products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the medical marijuana establishment.

11. If a medical marijuana establishment is operated by a dual licensee, as defined in NRS 453D.030, any provision of this section which is determined by the Department to be unreasonably impracticable pursuant to subsection 9 of NRS 453A.370 does not apply to the medical marijuana establishment.

Sec. 39. NRS 453A.354 is hereby amended to read as follows:

453A.354 1. Each medical marijuana establishment, in consultation with the ~~Division,~~ Department, shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

(1) The number of the card;

(2) The date on which the card was issued; and

(3) The date on which the card will expire.

(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the ~~Division,~~ Department by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the ~~Division,~~ Department may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 40. NRS 453A.356 is hereby amended to read as follows:

453A.356 1. Each medical marijuana establishment, in consultation with the ~~{Division,}~~ Department, shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the ~~{Division,}~~ Department may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 41. NRS 453A.358 is hereby amended to read as follows:

453A.358 1. Each medical marijuana dispensary shall ensure all of the following:

~~{1.}~~ (a) The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.

~~{2.}~~ (b) That the dispensary does not sell to a person, in any one ~~{14-day period, an amount}~~ transaction, more than 1 ounce of marijuana . ~~{for medical purposes that exceeds the limits set forth in NRS 453A.200.}~~

~~—3.—~~ (c) That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

~~{4.—~~ (d) That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

(e) *That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical marijuana dispensary.*

2. A medical marijuana dispensary may, but is not required to, track the purchases of marijuana for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200. The Department shall not adopt a regulation or in any other way require a medical marijuana dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

3. A medical marijuana dispensary which is a dual licensee, as defined in NRS 453D.030, may, to the extent authorized by the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200, allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

Sec. 42. NRS 453A.360 is hereby amended to read as follows:

453A.360 Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the ~~{Division,}~~ Department, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.
2. Are not presented in packaging that is appealing to children.
3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.
4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 43. NRS 453A.364 is hereby amended to read as follows:

453A.364 ~~{1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:~~

- ~~—(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;~~
- ~~—(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that~~

~~a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;~~

~~—(c) The nonresident card has an expiration date and has not yet expired;~~

~~—(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~—(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.~~

~~—2. For the purposes of the reciprocity described in this section:~~

~~—(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and~~

~~—(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.~~

~~—3. As used in this section, "nonresident card" means a card or other identification that:~~

~~—(a) Is issued by a state or jurisdiction other than Nevada; and~~

~~—(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the Division.]~~

1. A person who is not a resident of this State, but who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence, is deemed to hold a valid registry identification card for the purpose of the exemption from state prosecution described in subsection 1 of NRS 453A.200 if the person abides by the legal limits on the possession, delivery and production of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. A medical marijuana dispensary may dispense marijuana to a person described in subsection 1 if the person presents to the medical marijuana dispensary any document which is valid to prove the authorization of the person to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence. Such documentation may include, without limitation, written documentation from a physician or other provider of health care if, under the laws of the person's state or jurisdiction of residence, written documentation from a physician or other provider of health care is sufficient to exempt the person from prosecution for engaging in the medical use of marijuana.

Sec. 44. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card or letter of approval and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described

in subsection 1:

(a) Shall communicate the designation to the Division *and the Department* within the time specified by the ~~Division~~ *Department*.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 45. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The ~~Division~~ *Department* shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to ~~determine~~ :

(a) *Determine* accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

~~(a)~~ (1) The concentration therein of THC and cannabidiol.

~~(b)~~ (2) The presence and identification of molds and fungus.

~~(c)~~ (3) The composition of the tested material.

~~(d)~~ (4) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

(b) *Demonstrate the validity and accuracy of the methods used by the independent testing laboratory to test marijuana, edible marijuana products and marijuana-infused products.*

3. To obtain certification by the ~~Division~~ *Department* on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

(c) *Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after certification.*

Sec. 46. NRS 453A.369 is hereby amended to read as follows:

453A.369 The ~~Division~~ *Department* may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.

Sec. 47. NRS 453A.370 is hereby amended to read as follows:

453A.370 The ~~Division~~ *Department* 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.]~~ *Department*.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the ~~[Division.]~~ *Department* 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.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time ~~to~~:

~~—(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,]~~ *applicable professional licensing boards*, establish a system to:

(a) Register and track attending ~~[physicians]~~ *providers of health care* 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]~~ *provider of health care* described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending ~~[physicians]~~ *providers of health care* who advise the medical use of marijuana at a rate at which the *Department, in consultation with the Division* , and ~~[Board]~~ *applicable 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 *Department, in consultation with the Division*, of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The ~~{Division}~~ *Department* shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. *Determine whether any provision of NRS 453A.350 or 453A.352 would make the operation of a medical marijuana establishment or marijuana establishment, as defined in NRS 453D.030, by a dual licensee, as defined in NRS 453D.030, unreasonably impracticable, as defined in NRS 453D.030.*

10. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 48. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the ~~{Division}~~ *Department* or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon:

- (1) A decision not to prosecute;
- (2) The dismissal of charges; or
- (3) Acquittal,

↪ the law enforcement agency shall, to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

Sec. 49. NRS 453A.500 is hereby amended to read as follows:

453A.500 The ~~{Board of Medical Examiners or the State Board of Osteopathic Medicine, as}~~ applicable ~~{}~~ professional licensing boards shall not take any disciplinary action against an attending ~~{physician}~~ provider of health care on the basis that the attending ~~{physician}~~ provider of health care:

1. ~~{Advised}~~ Regardless of whether the person is a resident of this State, advised a person whom the attending ~~{physician}~~ provider of health care has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending ~~{physician}~~ provider of health care knows has been so diagnosed by another ~~{physician}~~ provider of health care licensed ~~{to practice medicine}~~ or certified pursuant to the ~~{provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS}~~ law of this State:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,
↪ if the advice is based on the attending ~~{physician's}~~ provider of health care's personal assessment of the person's medical history and current medical condition.

2. Provided or maintained the written documentation or signature, as applicable, required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or letter of approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card or letter of approval, or any similar documentation required for the person to be authorized to engage in the medical use of marijuana pursuant to the laws of another state or jurisdiction, if:

(a) Such documentation is based on the attending ~~{physician's}~~ provider of health care's personal assessment of the person's medical history and current medical condition; and

(b) The ~~{physician}~~ attending provider of health care has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 50. (Deleted by amendment.)

Sec. 51. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division and the Department shall not disclose:

(a) The contents of any tool used by the ~~{Division}~~ Department to evaluate an applicant or its affiliate.

(b) Any information, documents or communications provided to the ~~Division~~ *Department* by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending ~~physician~~ *provider of health care*; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card or letter of approval.

➤ 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 Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card or letter of approval to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The Administrator of the Division *or his or her designee* may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter ~~[-] governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.~~

2. Any money the Administrator *or his or her designee* receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 54. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division *or his or her designee* receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter ~~[-] governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters:~~

(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 ~~[-] governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters~~, including the dissemination of information

concerning ~~the~~ those provisions ~~of this chapter~~ and such other information as determined appropriate by the Administrator; ~~and~~

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(3) *Research performed by an institution of the Nevada System of Higher Education on services relating to alcohol and drug abuse; 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. 55. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter ~~governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.~~ The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will issue a registry identification card or letter of approval or, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card or letter of approval to a qualified person; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.

3. Fees for ~~fees~~:

~~(a) Providing to an applicant an application for a registry identification card or letter of approval, which fee must not exceed \$25; and~~

~~(b) Processing~~ processing and issuing a registry identification card or letter of approval, which ~~fee~~ must not exceed ~~the fee~~ \$75.:

(a) For a registry identification card or letter of approval which is valid for 1 year, \$50.

(b) For a registry identification card or letter of approval which is valid for 2 years, \$100.

Sec. 56. (Deleted by amendment.)

Sec. 56.5. Chapter 453D of NRS is hereby amended by adding thereto the provisions set forth as sections 56.7 and 56.9 of this act.

Sec. 56.7. *A marijuana establishment shall not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the marijuana establishment.*

Sec. 56.9. 1. *When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department 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.*

2. *When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department 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.*

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 58.5. NRS 212.160 is hereby amended to read as follows:

212.160 1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, 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, and may be further punished by a fine of not more than \$5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the

Director of the Department, who possesses a controlled substance without lawful authorization *or marijuana or marijuana paraphernalia, regardless of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS*, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 65.5. (Deleted by amendment.)

Sec. 65.6. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.*

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 a marijuana establishment or medical marijuana establishment located in the 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 gross revenue of the marijuana establishment or medical marijuana establishment.

3. *The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment 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, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.*

4. *In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:*

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

5. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) *"Marijuana-infused products"* has the meaning ascribed to it in NRS 453A.112.

(f) *"Medical marijuana establishment"* has the meaning ascribed to it in NRS 453A.116.

(g) *"Medical marijuana establishment agent"* has the meaning ascribed to it in NRS 453A.117.

(h) *"Registry identification card"* has the meaning ascribed to it in NRS 453A.140.

(i) *"Written documentation"* has the meaning ascribed to it in NRS 453A.170.

Sec. 65.65. 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 65.6 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. 65.7. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits.*

2. *Except as otherwise provided in subsection 3, the 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 gross revenue of the marijuana establishment or medical marijuana establishment.

3. *The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment 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, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.*

4. *In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:*

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within its corporate limits in an amount that does not exceed any

similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within its corporate limits for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

5. *The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:*

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. *A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.*

7. *As used in this section:*

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) *"Marijuana products" has the meaning ascribed to it in NRS 453D.030.*

(e) *"Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.*

(f) *"Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.*

(g) *"Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.*

(h) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

(i) *"Written documentation" has the meaning ascribed to it in NRS 453A.170.*

Sec. 65.75. 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 65.7 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. 65.8. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, the town board or board of county commissioners in any unincorporated town shall not fix or collect a license tax on a marijuana establishment or medical marijuana establishment located within the town.*

2. *Except as otherwise provided in subsection 3, the town board or board of county commissioners in any unincorporated town may fix and collect a license tax on a marijuana establishment or medical marijuana establishment located within the town 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 gross revenue of the marijuana establishment or medical marijuana establishment.

3. *The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment 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, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.*

4. *In addition to any amount of money collected as a license tax pursuant to subsection 2, the town board or board of county commissioners in any unincorporated town may fix and collect:*

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within the town in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within the town for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The town board or board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the town board or board of county commissioners on other similar businesses.

5. *The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:*

(a) *The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;*

(b) *The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;*

(c) *The use of pesticides in the cultivation of marijuana;*

(d) *The tracking of marijuana from seed to sale;*

(e) *The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;*

(f) *The issuance or verification of a registry identification card, letter of approval or written documentation;*

(g) *The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or*

(h) *The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.*

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) *"Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.*

(b) *"Letter of approval" has the meaning ascribed to it in NRS 453A.109.*

(c) *"Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.*

(d) *"Marijuana products" has the meaning ascribed to it in NRS 453D.030.*

(e) *"Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.*

(f) *"Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.*

(g) *"Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.*

(h) *"Registry identification card" has the meaning ascribed to it in NRS 453A.140.*

(i) *"Written documentation" has the meaning ascribed to it in NRS 453A.170.*

Sec. 65.85. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, *and section 65.8 of this act*, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 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 must be enforced in the same manner as liens for ad valorem taxes on real

and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners 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.

Sec. 65.9. Chapter 372A of NRS is hereby amended by adding thereto the provisions set forth as sections 65.93 and 65.95 of this act.

Sec. 65.93. 1. *"Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:*

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. *The total amount for which property is sold includes all of the following:*

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. *"Sales price" does not include any of the following:*

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

Sec. 65.95. 1. *Each cultivation facility and each marijuana cultivation facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:*

(a) The current production of the cultivation facility or marijuana cultivation facility;

(b) Sales by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

2. Each facility for the production of edible marijuana products or marijuana-infused products and each marijuana product manufacturing facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased;

(b) The amount of edible marijuana products, marijuana-infused products and marijuana products produced;

(c) Sales by product type;

(d) Prices by product type; and

(e) Such other information as the Department may require.

3. Each medical marijuana dispensary and each retail marijuana store shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased by the dispensary or store from cultivation facilities, marijuana cultivation facilities, facilities for the production of edible marijuana products or marijuana-infused products or marijuana product manufacturing facilities;

(b) Sales to consumers by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

4. The Department shall adopt regulations prescribing the frequency of the reports required pursuant to this section which must be submitted not less frequently than quarterly and not more frequently than monthly.

5. As used in this section:

(a) "Cultivation facility" has the meaning ascribed to it in NRS 453A.056.

(b) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(c) "Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.

(d) "Marijuana cultivation facility" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana product manufacturing facility" has the meaning ascribed to it in NRS 453D.030.

(f) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(g) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(h) "Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.

Sec. 65.97. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, *and sections 65.93 and 65.95 of this act*, unless the context otherwise requires, the words and terms defined in NRS 372A.210 to 372A.250, inclusive, *and section 65.93 of this act* have the meanings ascribed to them in those sections.

Sec. 65.98. ~~NRS 372A.290 is hereby amended to read as follows:~~

~~372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.~~

~~2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana infused products by a facility for the production of edible marijuana products or marijuana infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is the obligation of the facility for the production of edible marijuana products or marijuana infused products which sells the edible marijuana products or marijuana infused products to the other medical marijuana establishment.~~

~~3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana infused products. The excise tax imposed pursuant to this subsection:~~

~~(a) Is the obligation of the medical marijuana dispensary.~~

~~(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.~~

~~(c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.~~

~~4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:~~

~~(a) Seventy five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.~~

~~(b) Twenty five percent must be expended to pay the costs of the [Division of Public and Behavioral Health of the Department of Health and Human Services] Department in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive.~~

~~5. As used in this section:~~

~~(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.~~

~~(b) "Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.~~

~~(c) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.] (Deleted by amendment.)~~

Sec. 65.99. NRS 586.550 is hereby amended to read as follows:

586.550 1. A *marijuana establishment* or medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products, *marijuana products* and marijuana-infused products if the pesticide:

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

2. The State Department of Agriculture shall, in accordance with the provisions of this chapter, establish and publish a list of pesticides allowed to be used on *marijuana* or medical marijuana pursuant to this section and accept requests from pesticide manufacturers, *marijuana establishments* and medical marijuana establishments, or a representative thereof, to add pesticides to the list.

3. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Marijuana" has the meaning ascribed to it in NRS 453A.110.

(c) "*Marijuana establishment*" has the meaning ascribed to it in NRS 453D.030.

(d) "*Marijuana products*" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

~~[(d)]~~ (f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 66. 1. The amendatory provisions of this act do not affect the validity of an unexpired medical marijuana establishment registration certificate or medical marijuana establishment agent registration card that was issued by the Division of Public and Behavioral Health of the Department of Health and Human Services before July 1, 2017. However, upon the expiration of such a medical marijuana establishment registration certificate or medical marijuana establishment agent registration card, a person who wishes to retain the limited exemption from state prosecution which is set forth in NRS 453A.200 must:

(a) Reapply to the Department of Taxation for a new medical marijuana establishment registration certificate or medical marijuana establishment agent registration card issued by that agency.

(b) Pay any necessary fees as set forth in NRS 453A.344, as amended by section 37 of this act, or any regulations adopted pursuant to chapter 453A of NRS.

2. As used in this section:

(a) "Medical marijuana establishment agent registration card" has the meaning ascribed to it in NRS 453A.118.

(b) "Medical marijuana establishment registration certificate" has the meaning ascribed to it in NRS 453A.119.

Sec. 66.5. 1. Notwithstanding the provisions of NRS 453A.322, as amended by section 27 of this act, a person who obtains a medical marijuana establishment registration certificate for the operation of an independent testing laboratory before July 1, 2017:

(a) May renew his or her medical marijuana establishment registration certificate upon:

(1) Resubmission of the information set forth in NRS 453A.322; and

(2) Payment of the renewal fee set forth in NRS 453A.344; and

(b) Shall obtain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization on or before January 1, 2019.

2. The Department of Taxation shall revoke the medical marijuana establishment registration certificate of an independent testing laboratory described in subsection 1 which fails to obtain the accreditation described in paragraph (b) of subsection 1 on or before January 1, 2019.

Sec. 67. 1. The administrative regulations adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments remain in force and are hereby transferred to become the administrative regulations of the Department of Taxation on July 1, 2017. On and after July 1, 2017, these regulations must be interpreted in a manner so that all references to the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts are read and interpreted as being references to the Department of Taxation and its constituent parts, regardless of whether those references have been conformed pursuant to section 68 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments are binding upon the Department of Taxation on and after July 1, 2017, rather than the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts. Such contracts and other agreements may be enforced by the Department of Taxation on and after July 1, 2017.

3. Any action taken by the Division of Public and Behavioral Health of the Department of Health and Human Services or its constituent parts

pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments before July 1, 2017, remains in effect as if taken by the Department of Taxation or its constituent parts on and after July 1, 2017.

4. As used in this section, "medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 68. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, 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.

2. 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. 69. Sections 22.3 and 24.9 of chapter 547, Statutes of Nevada 2013, at pages 3718 and 3728, respectively, are hereby repealed.

Sec. 70. 1. This section and sections 56.5 and 56.9 of this act become effective upon passage and approval.

2. Sections 1 to 56, inclusive, and 57 to 69, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

3. Section 56.7 of this act becomes effective on January 1, 2020.

TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

Section 22.3 of chapter 547, Statutes of Nevada 2013, at page 3718:

Sec. 22.3. 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 the person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively 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 section 10 of this act or a valid medical marijuana establishment agent registration card issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, 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 or his or her designated primary caregiver, if any, such persons are 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 or his or her designated primary caregiver, if any, 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 or his or her designated primary caregiver, if any, 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)]~~ (b) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or

~~[(d)]~~ (c) 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.

Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728:

Sec. 24.9. Section 19.5 of this act is hereby amended to read as follows:

Sec. 19.5 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

- (a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) ~~The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~
~~—(e)—~~ state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Parts of a bill that died were previously included in this bill. Now that that bill has been resurrected, this amendment removes those parts from this bill.

Amendment adopted.

Read third time.

Remarks by Senators Segerblom, Harris and Hardy.

SENATOR SEGERBLOM:

Assembly Bill No. 422 is the omnibus medical marijuana bill. It makes technical changes relating to cardholders, police having video ability, independent labs and other things.

SENATOR HARRIS:

I have had great dialogues with my colleague on this bill and we have hammered out many concerns with regard to those authorized to write prescription's for medical marijuana. This bill does not broaden the scope of practice to all medical providers in the State of Nevada; it restricts this to those who have the capacity to write prescriptions now. It limits the ability to those who currently have that privilege.

SENATOR HARDY:

On page 19 of the bill, it talks about marijuana establishment registration and states: "The Department shall, in addition to the factors set forth in that section, consider the following criteria of merit...". Number 10 in that section addresses diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment.

SENATOR SEGERBLOM:

I am not sure if that was a question, but I would like to address it. Under the original medical marijuana law, there were six criteria to be used to evaluate applicants. These included financial background and other factors. This section adds one additional criterion to be considered if medical marijuana licenses were to be given. Currently, there are no medical marijuana licenses to be given, so this would apply to the future. This criterion would look at diversifying because currently most of the dispensary owners are white males, and we are trying to expand this into the community. It would not be a determining factor; it would be one of the factors we would consider if medical marijuana licenses become available in the future.

Roll call on Assembly Bill No. 422:

YEAS—16.

NAYS—Gustavson, Hammond, Hardy, Settelmeyer—4.

EXCUSED—Goicoechea.

Assembly Bill No. 422 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Kieckhefer requested that his remarks by entered in the Journal.

There are often people who have an impact on our lives that we know nothing about. One of those people passed away at the age of 77 at the beginning of this month, Fred Dolven, who was a Reno resident and an architect. He was responsible for the design and the expansion of the Legislative Building and made sure we all had offices which previous Legislators did not have. He also had a distinguished career designing buildings throughout Nevada, particularly rural Nevada. He designed the National Automobile Museum in Reno; numerous projects in Eureka County including the Eureka County Courthouse historic preservation and remodel, and the Desert Research Institute building and major addition on the University of Nevada, Reno campus. He was born in Montana and moved briefly to Reno with his wife Pat before they left to work with the Peace Corps and then resettled in Reno to raise his family. I wanted to remember the gift he gave us with this Legislative Building.

Senator Ford moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 2:29 p.m.

SENATE IN SESSION

At 5:43 p.m.
President Hutchison presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was re-referred Assembly Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 72, 120, 132, 178, 187, 192, 200, 203, 213, 229, 249, 303, 306, 464, 487, 546, 555.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 106, Amendment No. 1008; Senate Bill No. 212, Amendment No. 1018; Senate Bill No. 286, Amendment No. 1152; Senate Bill No. 490, Amendment No. 1103, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 946 to Assembly Bill No. 21; Senate Amendment No. 1131 to Assembly Bill No. 97; Senate Amendments Nos. 1126, 1144 to Assembly Bill No. 206; Senate Amendment No. 1110 to Assembly Bill No. 207; Senate Amendment No. 1057 to Assembly Bill No. 280; Senate Amendments Nos. 805, 968 to Assembly Bill No. 403; Senate Amendments, 1115, 1151 to Assembly Bill No. 422; Senate Amendment No. 1150 to Assembly Bill No. 475.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

GENERAL FILE AND THIRD READING

Assembly Bill No. 423.

Bill read third time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 1155.

SUMMARY—Requires the Secretary of State to collect and report information related to gender equality in the workplace. (BDR 7-1047)

AN ACT relating to gender equality; requiring the Secretary of State to conduct a survey of certain businesses to collect data and information related to issues of gender equality in the workplace; requiring the Secretary of State to make certain information relating to the survey available on the Internet and to submit an annual report regarding the survey to the Governor and the Director of the Legislative Counsel Bureau; requiring the Nevada Commission for Women to assist the Secretary of State in developing the

survey; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3.4 of this bill requires the Secretary of State to design and conduct a survey of certain businesses which are applying for or renewing a state business license in this State to collect data and information related to issues of gender equality in the workplace. Section 3.4 provides that a response to the survey is voluntary but requires that if responses are provided, the survey be signed under the penalty of perjury. Section 3.6 of this bill requires the Secretary of State to make available on the Internet website of the Office of the Secretary of State: (1) the responses to the survey; and (2) aggregate data relating to the survey. Section 3.6 also requires the Secretary of State to submit an annual report on the survey to the Governor and the Director of the Legislative Counsel Bureau.

Section 4.5 of this bill requires the Nevada Commission for Women to assist the Secretary of State in developing the survey.

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

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.8, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.2. *As used in sections 3.2 to 3.8, inclusive, of this act, "business" has the meaning ascribed to it in NRS 76.020.*

Sec. 3.4. 1. *The Secretary of State shall design and conduct an annual survey of businesses in this State for the purpose of collecting data and information related to issues of gender equality in the workplace.*

2. *The Secretary of State shall work in consultation with the Nevada Commission for Women created by NRS 233I.020 regarding the content of the survey.*

3. *The Secretary of State shall cause the survey to be offered through the state business portal to each business with operations and employees in this State at the time the business submits to the Secretary of State an online application for a state business license pursuant to NRS 76.100 or an online renewal of a state business license pursuant to NRS 76.130.*

4. *A business is not required to respond to the survey, and neither the Secretary of State nor the Nevada Commission for Women may penalize or otherwise take any adverse action against a business that does not respond to the survey.*

5. *If a business responds to the survey, the response must be signed under penalty of perjury by, as applicable:*

- (a) The owner of a business that is owned by a natural person;*
- (b) A member or partner of an association or partnership;*
- (c) A general partner of a limited partnership;*
- (d) A managing partner of a limited-liability partnership;*

- (e) A manager or managing member of a limited-liability company; or
- (f) An officer of a corporation.

Sec. 3.6. 1. The Secretary of State shall make available on the Internet website of the Office of the Secretary of State:

(a) The responses to the survey conducted pursuant to section 3.4 of this act in such a manner that the responses may be searched electronically by the name of the business that submitted the response; and

(b) Aggregate data relating to the survey conducted pursuant to section 3.4 of this act.

2. The Secretary of State shall annually compile the responses to the survey received during the immediately preceding year into a report and submit the report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Legislative Commission.

Sec. 3.8. The Secretary of State may adopt such regulations as he or she determines to be necessary or advisable to carry out the provisions of sections 3.4 and 3.6 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 233I.060 is hereby amended to read as follows:

233I.060 1. The Commission shall study the changing and developing roles of women in society, including the recognition of socioeconomic factors that influence the status of women, and recommend proposed legislation.

2. The Commission may collect and disseminate information on activities, programs and essential services available to women in Nevada.

3. The Commission shall assist the Secretary of State in developing the survey of businesses in this State described in section 3.4 of this act.

Sec. 5. NRS 233I.080 is hereby amended to read as follows:

233I.080 1. The Director of the Department of Administration shall provide staff assistance to the Commission *in carrying out the duties and responsibilities of the Commission*, as the Governor deems appropriate.

2. The Commission may engage the services of volunteer workers and consultants without salary as is necessary from time to time.

Sec. 5.5. 1. There is hereby appropriated from the State General Fund to the Department of Administration for ~~expenses of the Department that are associated with assisting~~ the costs of employing a Management Analyst to assist the Nevada Commission for Women pursuant to NRS 233I.080, as amended by section 5 of this act the following sums:

For the Fiscal Year 2017-2018.....~~[\$107,772]~~ \$71,306

For the Fiscal Year 2018-2019.....~~[\$81,672]~~ \$87,828

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, respectively.

Sec. 6. 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. 6.5. The Secretary of State shall design and begin conducting the initial survey required by section 3.4 of this act before January 1, 2018.

Sec. 7. This act becomes effective on July 1, 2017, and expires by limitation on December 31, 2022.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1155 amends Assembly Bill No. 423 to clarify that a Management Analyst-level position should be established in the Department of Administration to support the Nevada Commission for Women. Amendment No. 1155 also reduces the General Fund appropriation from \$107,772 to \$71,306 for FY 2018 and increases it from \$81,672 to \$87,828 for FY 2019.

Amendment adopted.

Bill read third time.

Remarks by Senator Ratti.

I would like to commend Senator Harris and Senator Farley who brought this matter to the Committee on Finance. That bill was merged and what is before you is Assembly Bill No. 423. Assembly Bill No. 423 requires the Secretary of State to design and conduct a survey, in consultation with the Nevada Commission for Women, of certain businesses which are applying for or renewing a State business license through the State business portal to collect data and information related to issues of gender equality in the workplace. The bill provides that a response to the survey is voluntary, but requires that the person who submits the survey must attest to the truthfulness of the survey under the penalty of perjury.

Assembly Bill No. 423 also requires the Secretary of State to make available on the Office's website the responses to the survey, and aggregate data relating to the survey. Additionally, this bill requires the Secretary of State to submit an annual report on the survey to the Governor and the Legislative Counsel Bureau for transmittal to the Legislature or if the Legislature is not in session, to the Legislative Commission.

Assembly Bill No. 423 clarifies that a Management Analyst-level position should be established in the Department of Administration to support the Nevada Commission for Women and appropriates \$71,306 in FY 2018 and \$87,828 in FY 2019 to support the position.

I would like to commend this Body for the work it has done to make sure all populations in the State of Nevada have the advocacy needed to ensure they are meeting their full potential. This bill will give us good information about the status of equality in the workplace, and it will take the next step of bringing the Commissions for Women back to life and making sure it has the support needed to do meaningful work.

Roll call on Assembly Bill No. 423:

YEAS—21.

NAYS—None.

Assembly Bill No. 423 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 444.

The following Assembly amendment was read:

Amendment No. 1142.

SUMMARY—Makes an appropriation to the Department of Veterans Services to provide assistance and support for the Adopt a Vet Dental Program. (BDR S-147)

AN ACT making an appropriation to the Department of Veterans Services to provide financial assistance and support for the Adopt a Vet Dental Program; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to Department of Veterans Services to provide financial assistance and support for the Adopt a Vet Dental Program the following sums:

For the Fiscal Year 2017-2018.....~~[\$124,981]~~ \$174,981

For the Fiscal Year 2018-2019.....~~[\$124,981]~~ \$174,981

Sec. 2. Any balance of the sums appropriated by section 1 of this act 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. 3. This act becomes effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1142 to Senate Bill No. 444.

Remarks by Senator Woodhouse.

We are increasing the appropriation to the Adopt a Veteran Program by \$50,000 each year of the biennium. This is a well-needed addition, and I hope everyone will support it.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 478.

The following Assembly amendment was read:

Amendment No. 1101.

SUMMARY—Revises provisions relating to certain disciplinary action against state employees. (BDR 23-1043)

AN ACT relating to state employees; revising provisions governing the dismissal, involuntary demotion or suspension of a permanent classified employee in the state service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an appointing authority to take certain actions when dismissing, involuntarily demoting or suspending a permanent classified employee in the state service or conducting an internal administrative investigation which may result in the dismissal, involuntary demotion or suspension of a permanent classified employee. (NRS 284.385, 284.387; NAC 284.655) Section 2 of this bill requires an appointing authority to provide an employee with notice of the allegations against the employee within 30 days after the appointing authority becomes aware, or reasonably should have become aware, of the allegations. ~~[and requires the appointing authority to provide such notice before commencing any part of the internal administrative investigation into those allegations.]~~

Existing law requires an appointing authority to complete an internal administrative investigation and make a determination whether to dismiss, involuntarily demote or suspend an employee within 90 days after providing the employee with notice of the allegations, unless the appointing authority obtains approval for an extension of time. (NRS 284.387) Section 2 prohibits an appointing authority from dismissing, involuntarily demoting or suspending an employee based on allegations if the investigation into those allegations does not result in a determination regarding disciplinary action within the prescribed time period.

Existing law authorizes a permanent employee to appeal a dismissal, involuntary demotion or suspension in a hearing before the hearing officer of the Personnel Commission. (NRS 284.390) If the employee requests such a hearing, section 3 of this bill requires the appointing authority of the employee to produce and allow the employee or his or her representative to inspect or receive a copy of any document or evidence related to the internal investigation leading to the employee's dismissal, involuntary demotion or suspension within 5 days after a request is made by the employee or his or her representative.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 284.387 is hereby amended to read as follows:

284.387 1. An employee who is the subject of an internal administrative investigation that could lead to disciplinary action against the employee pursuant to NRS 284.385 must be:

(a) Provided notice in writing of the allegations against the employee *within 30 days after the date on which the appointing authority becomes*

aware, or reasonably should have become aware, of the allegations. The notice must be provided before ~~any part of the investigation begins and before~~ the employee is questioned regarding the allegations. ~~[- and]~~

(b) Afforded the right to have a lawyer or other representative of the employee's choosing present with the employee at any time that the employee is questioned regarding those allegations. The employee must be given not less than 2 business days to obtain such representation, unless the employee waives the employee's right to be represented.

2. An internal administrative investigation that could lead to disciplinary action against an employee pursuant to NRS 284.385 and any determination made as a result of such an investigation must be completed and the employee notified of any disciplinary action within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1. If the appointing authority cannot complete the investigation and make a determination within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1, the appointing authority may request an extension of not more than 60 days from the Administrator upon showing good cause for the delay. No further extension may be granted unless approved by the Governor.

3. *If the appointing authority does not make a determination within 90 days after the employee is provided notice of the allegations or within any extended time period approved pursuant to subsection 2, the appointing authority shall not take any disciplinary action against the employee pursuant to NRS 284.385 which is based on those allegations.*

Sec. 3. NRS 284.390 is hereby amended to read as follows:

284.390 1. Within 10 working days after the effective date of an employee's dismissal, demotion or suspension pursuant to NRS 284.385, the employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the Commission to determine the reasonableness of the action. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's dismissal, demotion or suspension.

2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing calendar of the hearing officer, in which case the hearing must be scheduled for the earliest possible date after the expiration of the 20 days.

3. *Upon verification that a request for a hearing has been made pursuant to subsection 1, the appointing authority of the employee who was the subject of the internal administrative investigation shall, within 5 days after receiving a request by the employee or his or her representative, produce and allow the employee or his or her representative to inspect or receive a copy of any document concerning the internal administrative investigation, including, without limitation, any recordings, notes, transcripts of interviews*

or other documents or evidence related to the internal administrative investigation.

4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.

~~{4.}~~ 5. Technical rules of evidence do not apply at the hearing.

~~{5.}~~ 6. After the hearing and consideration of the evidence, the hearing officer shall render a decision in writing, setting forth the reasons therefor.

~~{6.}~~ 7. If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, the action must be set aside and the employee must be reinstated, with full pay for the period of dismissal, demotion or suspension.

~~{7.}~~ 8. The decision of the hearing officer is binding on the parties.

~~{8.}~~ 9. Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1101 to Senate Bill No. 478.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 492.

The following Assembly amendment was read:

Amendment No. 1136.

SUMMARY—Revises provisions relating to ~~{polling places.}~~ elections. (BDR 24-450)

AN ACT relating to elections; ~~{authorizing each county clerk to establish polling places where any registered voter of the county may vote in person on the day of a primary or general election;}~~ requiring, under certain circumstances, county and city clerks to establish polling places within the boundaries of Indian reservations and Indian colonies; authorizing voting materials to be provided in certain languages; authorizing a voter to sign a signature card rather than a roster; 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 293.205-293.209) 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 each county clerk to 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 a primary or general election. If any such polling place is established: (1) section 3 of this bill requires the county clerk to publicize the location of any such polling place;~~

~~and (2) section 4 of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. Section 5 of this bill sets forth the procedure for a person to vote in person at any such polling place. Sections 6 15 of this bill make conforming changes.]~~

Sections 1 and 15.51 of this bill require, under certain circumstances, county and city clerks, respectively, to establish at least one polling place for the day of a primary election, general election, primary city election or general city election, as applicable, within the boundaries of an Indian reservation or Indian colony at a location or locations approved by the Indian tribe.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293C.270, 293C.275) Sections 9, 9.5, 10, 11.8, 11.9, 15, 15.53, 15.54, 15.55, 15.85 and 15.9 of this bill allow a person to sign a signature card rather than a roster.

Existing law requires voting materials to be provided in English and any other languages necessary to be in compliance with federal law. (NRS 293.2699) Section 8.5 of this bill authorizes the county or city clerk to provide voting materials in additional languages if the clerk determines that there is significant and substantial need for such.

Existing law authorizes a county or city clerk to establish permanent polling places for early voting by personal appearance. (NRS 293.3564, 293C.3564) Sections 11.4 and 15.6 of this bill require a county or city clerk to establish at least one permanent polling place for early voting. Sections 11.6 and 15.8 of this bill require, under certain circumstances, a county or city clerk to establish at least one temporary polling place for early voting within the boundaries of an Indian reservation or Indian colony.

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 5, inclusive, of this act.]~~ a new section to read as follows:

1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary election or general election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

~~Sec. 2. {1. A county clerk may 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 a primary election or general election.~~

~~2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.} (Deleted by amendment.)~~

~~Sec. 3. {1. 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 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.~~

~~(b) Post a list of the 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, except in the case of an emergency and if approved by the Secretary of State.} (Deleted by amendment.)~~

~~Sec. 4. {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 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.] (Deleted by amendment.)~~

Sec. 5. ~~[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 and has not already voted in that county in the election;~~

~~—(b) Instruct the voter to sign the roster or a signature card; and~~

~~—(c) Verify the signature of the voter in the manner set forth in NRS 293.277.~~

~~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 that county 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.] (Deleted by amendment.)~~

Sec. 6. ~~[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 before 7 p.m. at [his or her] a polling place at which he or she is entitled to vote [before 7 p.m.] 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.~~

~~—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.] (Deleted by amendment.)~~

Sec. 7. ~~[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 provided 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. This subsection does not apply to a polling place established pursuant to section 2 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. 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.] (Deleted by amendment.)~~

Sec. 7.5. ~~[NRS 293.2735 is hereby amended to read as follows:~~

~~—293.2735 [The]~~

~~1. Except as otherwise provided in subsection 2, the county clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:~~

~~[1.] (a) More than 100 of the residents of the development are registered to vote;~~

~~[2.] (b) There is a common area which is adequate and available; and~~

~~[3.] (c) The owner of the development consents to the establishment of the polling place on the property.~~

~~2. The county clerk is not required to establish a polling place in a residential development as described in subsection 1 if, with the consent of the owner of the residential development, the county clerk establishes a temporary branch polling place for early voting at the residential development for at least 1 day. (Deleted by amendment.)~~

Sec. 8. ~~[NRS 293.275 is hereby amended to read as follows:~~

~~293.275 [No]~~

~~1. Except as otherwise provided in subsection 2, an election board may not 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 for the polling place.~~

~~2. For a polling place established pursuant to section 2 of this act, 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. (Deleted by amendment.)~~

Sec. 8.5. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in :

(a) English ~~[and other languages]~~ ; and

(b) Every language in which voting materials are required to be prepared in ~~[compliance with the provisions of 42 U.S.C. § 1973aa 1a.]~~ the county or city pursuant to 52 U.S.C. § 10503.

2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

3. As used in this section ~~[, the term "voting"]~~ :

(a) "Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.

(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.

(c) "Voting materials" has the meaning ascribed to it in ~~[42]~~ 52 U.S.C. § ~~[1973aa-1a]~~ 10503.

Sec. 9. 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 or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster *or on a signature card* 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;
- (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 that county in the current election.]~~

Sec. 9.5. 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 *or on a signature card* 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.

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. 10. 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]~~ *or signature card*, verify the signature of the voter in the manner set forth in NRS 293.277, ~~[and verify that the registered voter has not already voted in that county 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.

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. 11. ~~[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 [his or her] a polling place [-] at which he or she is entitled to vote.] (Deleted by amendment.)~~

Sec. 11.2. ~~[NRS 293.3561 is hereby amended to read as follows:~~
~~— 293.3561 — 1. [The] Except as otherwise provided in subsection 3, the permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the county clerk pursuant to subsection 2.~~
~~— 2. The county clerk shall:~~
~~— (a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and~~
~~— (b) At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.~~
~~— 3. The provisions of subsection 1 do not apply to a temporary polling place for early voting established at a residential development exclusively for~~

~~elderly persons with the consent of the owner pursuant to NRS 293.3572.]~~
(Deleted by amendment.)

Sec. 11.4. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. ~~[The]~~ Each county clerk ~~[may]~~ shall establish at least one permanent polling ~~[places]~~ place for early voting by personal appearance in the county ~~[at the locations selected pursuant to NRS 293.3561]~~.

~~2. Except as otherwise provided in subsection 3, and NRS 293.3572, any]~~

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

~~[3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:~~

~~(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and~~

~~(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.]~~

Sec. 11.6. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 3, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the ~~the~~

~~(a) The~~ clerk's office pursuant to NRS 293.3561.

~~[(b) With the consent of the owner, a residential development exclusively for elderly persons. If the county clerk establishes a temporary branch polling place for early voting at a residential development exclusively for elderly persons pursuant to this paragraph, only residents of the development are entitled to vote at the temporary branch polling place.]~~

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the general election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must

satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch 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.

~~6.1~~ 6. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~4.1~~ 7. 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. 11.8. 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 ~~[-]~~ or a signature card.
- (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 that county~~ 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.

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 *or a signature card, as applicable*, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number 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. 11.9. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~and~~

(4) The number of signatures in the roster for early voting for that day ~~[-]~~; and

(5) *The number of signatures on signature cards for the day.*

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;
- (c) *The signature cards used for early voting;*
- (d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
- ~~{{(d)}} (e) Any other items as determined by the county clerk.~~

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

- (a) Indicate the number of ballots on an official statement of ballots; and
- (b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 12. ~~{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. (Deleted by amendment.)~~

Sec. 12.5. ~~{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.~~

~~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.] (Deleted by amendment.)~~

Sec. 13. ~~[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 county clerk may 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.] (Deleted by amendment.)~~

Sec. 14. ~~[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.] (Deleted by amendment.)~~

Sec. 15. ~~[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] entitled to vote, such person is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 15.3. ~~[NRS 293C.268 is hereby amended to read as follows:~~

~~293C.268 [The]~~

~~1. Except as otherwise provided in subsection 2, the city clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:~~

~~— [1.] (a) More than 100 of the residents of the development are registered to vote;~~

~~— [2.] (b) There is a common area in the development which is adequate and available; and~~

~~— [3.] (c) The owner of the development consents to the establishment of the polling place on his or her property.~~

~~— 2. The city clerk is not required to establish a polling place in a residential development as described in subsection 1 if, with the consent of the owner of the residential development, the city clerk establishes a temporary branch polling place for early voting pursuant to NRS 293C.3572 at the residential development for at least 1 day.] (Deleted by amendment.)~~

Sec. 15.5. ~~[NRS 293C.3561 is hereby amended to read as follows:~~

~~— 293C.3561 1. [The] Except as otherwise provided in subsection 3, the permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the city clerk pursuant to subsection 2.~~

~~— 2. The city clerk shall:~~

~~— (a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and~~

~~— (b) At a meeting of the city council or other governing body of the city, inform the city council or other governing body of the sites selected as permanent and temporary polling places for early voting by personal appearance.~~

~~— 3. The provisions of subsection 1 do not apply to a temporary polling place for early voting established at a residential development exclusively for elderly persons with the consent of the owner pursuant to NRS 293C.3572.] (Deleted by amendment.)~~

Sec. 15.51. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location for a polling place must satisfy the criteria the city clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

Sec. 15.52. 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 section 15.51 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. 15.53. 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 or if the person provides an affirmation

pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card 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;
- (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.

Sec. 15.54. 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 or on a signature card 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.

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. 15.55. 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 or signature card and verify the signature of the voter in the manner set forth in NRS 293C.270.

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.

Sec. 15.6. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk ~~may~~ in a city providing for early voting

pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110 shall establish at least one permanent polling ~~[places]~~ place for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any ~~[Except as otherwise provided in NRS 293C.3572, any]~~ person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 15.8. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 3, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561 ~~_, including, without limitation, with the consent of the owner, at a residential development exclusively for elderly persons. If the city clerk establishes a temporary branch polling place for early voting at a residential development exclusively for elderly persons pursuant to this subsection, only residents of the development are entitled to vote at the temporary branch polling place.]~~

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the

city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch 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.

~~6.~~ 6. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~7.~~ 7. 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. 15.85. 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 ~~or~~ or a signature card.

(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.

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 or signature card, as applicable, must contain:

- (a) The voter's name, the address where he or she is registered to vote, his or her voter identification number 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. 15.9. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

- (1) The title of the election;
- (2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
- (3) The number of ballots voted on the mechanical recording device for that day; ~~and~~

(4) The number of signatures in the roster for early voting for that day ~~and~~; and

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;

(c) The signature cards used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ (e) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 15.95. 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. 16. This act becomes effective ~~for~~:

1. On July 1, 2017, ~~for~~, 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.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1136 to Senate Bill No. 492.

Remarks by Senator Woodhouse.

This amendment requires, under certain circumstances and with certain exceptions, a city and county clerk to establish at least one polling place on the day of a primary or general election within the boundaries of an Indian reservation or colony at a location approved by the tribe. It also requires the city or county clerk to establish at least one temporary polling place for early voting on an Indian reservation or colony except when the clerk determines that such a polling place is not logistically feasible. It also allows a person to sign a signature card when voting in person rather than the roster. It authorizes the clerk to provide voting materials in languages other than what is required by federal law; deletes provisions relating to temporary polling places for early voting at residential facilities for elderly persons, and deletes provisions establishing vote centers.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 548.

The following Assembly amendment was read:

Amendment No. 1141.

SUMMARY—Provides for the establishment of the Nevada Institute on Teaching and Educator Preparation. (BDR 34-1232)

AN ACT relating to education; providing for the establishment of the Nevada Institute on Teaching and Educator Preparation; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum. (NRS 396.519) Existing law also establishes the Teach Nevada Scholarship Program, which

provides scholarships for students to complete a teaching program offered by a university, college or other provider of an alternative licensure program in this State. (NRS 391A.550-391A.590) This bill authorizes a college or university within the Nevada System of Higher Education to apply to the State Board of Education for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation. The Institute will: (1) establish a highly selective program for the education and training of teachers; (2) conduct research concerning approaches and methods used to educate and train teachers and to teach pupils; and (3) evaluate, develop and disseminate approaches to teaching.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A college or university within the System is eligible to apply to the State Board for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation.*

2. *The Nevada Institute on Teaching and Educator Preparation shall:*

(a) *Establish a highly selective program for the education and training of teachers that:*

(1) *Recruits promising students pursuing teaching degrees from inside and outside this State;*

(2) *Upon completion of the program, makes a student eligible to obtain a license to teach pupils in a program of early childhood education, kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State;*

(3) *Is thorough and rigorous and provides a student with increasing professional autonomy and responsibility;*

(4) *Allows a student to obtain experience in schools that serve high populations of pupils with disabilities or who are at risk or have other significant needs;*

(5) *Provides, in a manner that is aligned to the demographics of pupils in this State, the skills and knowledge necessary to teach the diverse population of pupils in this State; and*

(6) *Provides instruction concerning the most contemporary and effective pedagogies, curricula, technology and behavior management techniques for teaching;*

(b) *Conduct innovative and extensive research concerning approaches and methods used to educate and train teachers and to teach pupils, including, without limitation, pupils with disabilities or pupils who are at risk or have other significant needs; and*

(c) *Continually evaluate, develop and disseminate approaches to teaching that address the variety of settings in which pupils in this State are educated.*

3. *An application to establish the Nevada Institute on Teaching and Educator Preparation pursuant to subsection 1 must demonstrate the ability of the applicant to:*

- (a) Meet the requirements of subsection 2;*
- (b) Provide additional money for the establishment and operation of the Institute that matches the grant of money awarded by the State Board; and*
- (c) Sustain and expand the Institute over time.*

4. *As used in this section, "pupil 'at risk'" has the meaning ascribed to it in NRS 388A.045.*

Sec. 2. 1. There is hereby appropriated from the State General Fund to the State Board of Education for the purpose of awarding a grant of money to a college or university within the Nevada System of Higher Education pursuant to section 1 of this act:

For the Fiscal Year 2017-2018 \$500,000

For the Fiscal Year 2018-2019 \$500,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 20, 2019.

Sec. 3. This act becomes effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1141 to Senate Bill No. 548.

Remarks by Senator Woodhouse.

This amendment adds in early childhood programs through which individuals involved in the Nevada Institute would be earning their degree. This is an excellent addition to this bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 47, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 832 of the Assembly be concurred in.

YVANNA D. CANCELA

HEIDI SWANK

JULIA RATTI

MAGGIE CARLTON

PETE GOICOECHEA

AL KRAMER

Senate Conference Committee

Assembly Conference Committee

Senator Cancela moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 47.

Remarks by Senator Cancela.

The Committee on Natural Resources heard many water bills this Session, and this was probably the most complicated and the one that involved the most input and opinion. The

Committees on both sides did a lot of work to ensure this bill came out correctly, and it is important water policy.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Farley moved that Senate Bill No. 259 be taken from Unfinished Business File and placed on Unfinished Business File, last Agenda.

Motion carried.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 5:55 p.m.

SENATE IN SESSION

At 7:16 p.m.

President Hutchison presiding.

Quorum present.

NOTICE OF ADMONISHMENT

Senator Ford gave notice of admonishment regarding Senator Mark A. Manendo.

SENATOR FORD:

As you are all aware, during this Legislative Session I have received complaints about inappropriate conduct by the Senator from District No. 21. As Majority Leader of the State Senate, I take such complaints very seriously. For that reason, I asked for an independent investigation to be conducted to determine whether the Senator from District No. 21 violated the anti-harassment policy that is included in Joint Rule No. 20. That investigation is still ongoing. As I previously stated, I had hoped the investigation would be completed by now, but once the investigation commenced, more allegations came forward, which meant it would take more time to complete the inquiry. I have become aware that allegations of inappropriate conduct involving the Senator from District No. 21 span many years, including complaints of multiple incidents this Legislative Session. Although the investigation is focused on more recent conduct, it has become clear to me that the Senator from District No. 21 has developed a reputation of harassing and intimidating young women at the Legislature and engaging in conduct that makes them uncomfortable. I believe his conduct has had a negative impact on the working environment within the Legislature. We have done our best to provide a discrete investigation, knowing that many women were hesitant to come forward in fear of retaliation or having their employment adversely affected for complaining. I want to reassure those women that they did the right thing. None of us are beyond reproach, and we must not tolerate sex-based, gender-based, or any other type of harassment by members of the Senate. In that regard, no person, whether a Legislator, a lobbyist, a member of the staff, intern or anyone else should be placed in the position where someone inappropriately exerts control in a way that intimidates, harasses or makes them uncomfortable. No one deserves that.

Accordingly, it is my intent to ensure that we have an opportunity to augment our process and make it easier to file a complaint; to have that complaint properly investigated, and to see that complaint resolved. In addition, it is my intent to ensure that we properly define unacceptable conduct. We are here to represent the people of this State, and we must hold ourselves to the highest standard. In that representation, harassment has no place. In the end, this type of distraction makes people question the integrity of the legislative process, which is something we just cannot tolerate. The Senator from District No. 21's conduct, whether intentional or not, has caused many complaints to be brought to me this Session alleging an intimidating, hostile and

adverse working environment. Although this Legislative Session will soon adjourn *sine die*, the investigation will continue until the investigator has completed the interviews of the people necessary to complete the report and establish findings. Nevertheless, I am making this statement as an admonishment to the Senator from District No. 21 for using his position in a manner that has caused others to feel uncomfortable and for engaging in conduct that I believe to be unbecoming to a Senator. I ask that this admonishment be entered into the record. Upon conclusion of the investigation, I will determine, based on all of the evidence, whether any further action is necessary to protect the integrity of the Senate, the legislative process and people who visit or work at the Legislature.

Senator Ford moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 7:20 p.m.

SENATE IN SESSION

At 8:11 p.m.
President Hutchison presiding.
Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 209, Assembly Amendments Nos. 756, 757, and requests a conference, and appointed Assemblymen Jauregui, Bustamante Adams and Benitez-Thompson as a Conference Committee to meet with a like committee of the Senate.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 106.

The following Assembly amendment was read:

Amendment No. 1008.

SUMMARY—~~[Requires certain increases in]~~ Revises provisions governing the minimum wage required to be paid to employees in private employment in this State. (BDR 53-865)

AN ACT relating to employment; requiring certain increases in the minimum wage paid to employees in private employment in this State; revising provisions governing a civil action brought by an employee whose employer violates the requirement to pay the minimum wage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage that may be paid per hour to an employee in private employment in this State. (NRS 608.250) ~~[This]~~ Section 1 of this bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for such an employee is increased by 75 cents each year for 5 years or until the minimum wage: (1) is

\$12 or more, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner; and (2) is \$11 or more, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Section 16 of Article 15 of the Nevada Constitution provides that an employee claiming that he or she was paid less than the minimum wage required by that provision may bring a civil action against his or her employer. Under this constitutional provision, if the employee prevails in such a civil action, the employee: (1) is entitled to all legal and equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) must be awarded reasonable attorney's fees and costs. (Nev. Const. Art. 15, § 16) Section 1.5 of this bill would enact into statute the language of the minimum wage provision of the Nevada Constitution: (1) authorizing an employee who prevails in a civil action to recover all legal or equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) requiring a court to award reasonable attorney's fees and costs to an employee who prevails in such a civil action.

Section 2 of this bill provides that this bill becomes effective on January 1, 2018.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage that may be paid per hour pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to whom those regulations apply is increased by 75 cents each year until the minimum wage that may be paid per hour pursuant to NRS 608.250 is:

1. If the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$12 or more; and

2. If the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$11 or more.

Sec. 1.5. NRS 608.260 is hereby amended to read as follows:

608.260 1. If any employer pays any employee a lesser amount than the minimum wage prescribed by regulation of the Labor Commissioner pursuant to the provisions of NRS 608.250, the employee may, at any time within 2 years, bring a civil action ~~to recover the difference between the amount paid to the employee and the amount of the minimum wage.~~ against his or her employer. A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

2. If the employee prevails in a civil action brought pursuant to subsection 1:

(a) The employee is entitled to all remedies available under the law or in equity appropriate to remedy the violation by the employer, including, without limitation, back pay, damages, reinstatement or injunctive relief; and

(b) The court must award the employee reasonable attorney's fees and costs.

Sec. 2. This act becomes effective ~~upon passage and approval~~ on January 1, 2018.

Senator Atkinson moved that the Senate concur in Assembly Amendment No. 1008 to Senate Bill No. 106.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 212.

The following Assembly amendment was read:

Amendment No. 1018.

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; 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 establish and operate a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application, ~~electronic mail address~~ and ~~support center~~ text messaging application, or to enter into an agreement with a qualified organization to operate the support center, which includes, without limitation, a hotline, Internet website, mobile telephone application, ~~electronic mail address~~ and ~~support center~~ text messaging application. 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; 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) requires the local agencies contacted to include a provider of mental health services which is operated by a state or local agency. Section 31 of this bill 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, 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:

(1) Appears on the back of any identification card issued to pupils and staff at the school; 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 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 and text messaging 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;~~ text messaging application, respectively; and

(e) The outcome of reports;

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; and

9. Provide each report received to the appropriate law enforcement agency.

Sec. 6. (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~~ *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 support center that meets the requirements of section 5 of this act, which includes, without limitation, a hotline, Internet website, mobile telephone application and ~~{support center that meets the requirements of section 5 of this act}~~ text messaging application 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 support center, which includes, without limitation, a hotline ~~{or call}~~, Internet website, mobile telephone application, ~~{, electronic mail address}~~ and ~~{support center that will}~~ text messaging application. The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application ~~{and electronic mail}~~ and text messaging application 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}~~ text messaging application 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~~ text messaging application 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 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 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) Determine which persons and organizations in the community, including, without limitation, 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, 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 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 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;

~~[(e)]~~ (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 ~~[-~~

~~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.

~~3.1~~ 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 , ~~{or 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, a provider of mental health services which is operated by a state or local agency*, to respond to the crisis , ~~{or 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. (Deleted by amendment.)

Sec. 23. (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 section 24 of this act*, unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1683, inclusive, *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.

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.

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, 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, ~~for~~ emergency ~~or~~ 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 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 ~~or~~, *and sections 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 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.*

(III) *"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. (Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, 2018.

Senator Denis moved that the Senate concur in Assembly Amendment No. 1018 to Senate Bill No. 212.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 286.

The following Assembly amendment was read:

Amendment No. 1152.

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 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 "registered behavior technician"; requiring a behavior technician to obtain registration from the Division; providing for the certification of state certified behavior interventionists; revising the composition of the Board 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 11.5, 48 and 77 of this bill: (1) replace that term with the term "registered behavior technician"; and (2) require a behavior technician to be registered by the Division. Sections 11.7, 16, 20, 21 and 48 of this bill additionally provide for the certification of state certified behavior interventionists, who have the same practice authority as a registered behavior technician. Section 21 requires a state certified behavior interventionist to meet the qualifications prescribed by the Board of Applied Behavior Analysis created by section 13.3 of this bill. Such qualifications must be no less stringent than the requirements for registration as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization. Section 25 of this bill requires each state certified behavior interventionist, but not each registered behavior technician, to obtain continuing education.

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) 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 licensure of behavior analysts and assistant behavior analysts; (2) the certification of state certified behavior interventionists; (3) the registration of registered behavior technicians; and (4) the practice of applied behavior analysis. Sections 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 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 licensure of behavior analysts and assistant behavior analysts, the certification of state certified behavior interventionists and the registration of

registered 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, certification as a state certified behavior interventionist or registration as a registered behavior technician. Sections 12 and 12.3 of this bill specify that certain persons are not required to be licensed, certified or registered by the Division. Section 12.6 of this bill authorizes a student, intern, trainee or fellow who has matriculated at an accredited college or university but is not licensed, certified or registered by the Division to practice applied behavior analysis under the direct supervision of a behavior analyst or assistant behavior analyst under certain circumstances.

Section 29 of this bill prescribes the grounds for disciplinary action against a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, and section 30 of this bill requires the 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, assistant behavior analyst, state certified behavior interventionist or registered 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, assistant behavior analyst, state certified behavior interventionist or registered 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, assistant behavior analyst, state certified behavior interventionist or registered behavior technician without malicious intent. Section 47 of this bill authorizes a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered 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 practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered 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 11.7, 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. (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. (Deleted by amendment.)

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, assistant behavior analyst, state certified behavior interventionist or registered behavior technician or the particular city or place where the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered 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, assistant behavior analyst, state certified behavior interventionist or registered 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, assistant behavior analysts, state certified behavior interventionists or registered 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, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to exercise the degree of care, diligence and skill ordinarily exercised by behavior analysts, assistant behavior analysts, state certified behavior interventionists or registered 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 based on scientific research and observations of behavior and the environment to produce socially significant improvement in human behavior, including, without limitation:*

1. *The empirical identification of functional relations between environment and behavior; 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, state certified behavior interventionist or registered behavior 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. 11.5. *"Registered 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. 11.7. *"State certified behavior interventionist" means a person who is certified 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. 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;

9. Any member of the clergy;

10. A family member of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. A person who provides applied behavior analysis services to a pupil in a public school in a manner consistent with the training and experience of the person,

↪ 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, state certified behavior interventionist or registered behavior technician.

Sec. 12.3. 1. A person is not required to be licensed, certified or registered by the Division if he or she:

(a) Provides behavior modification services or training exclusively to animals and not to natural persons;

(b) Provides generalized applied behavior analysis services to an organization but does not provide such services directly to natural persons;

~~for~~
(c) Teaches applied behavior analysis or conducts research concerning applied behavior analysis but does not provide applied behavior analysis services directly to natural persons ~~for~~;

(d) Provides academic services, including, without limitation, tutoring, instructional design, curriculum production, assessment research and design, or test preparation but does not provide applied behavior analysis services directly to natural persons; or

(e) Conducts academic research relating to applied behavior analysis as a primary job responsibility but does not provide applied behavior analysis services directly to natural persons.

2. A person described in subsection 1:

(a) May refer to himself or herself as a behavior analyst; and

(b) Shall not represent or imply that he or she is licensed, certified or registered by the Division.

Sec. 12.6. 1. A person who has matriculated at an accredited college or university and is not licensed, certified or registered by the Division may practice applied behavior analysis under the direct supervision of a licensed behavior analyst as part of:

(a) A program in applied behavior analysis offered by the college or university in which he or she is enrolled; or

(b) An internship or fellowship.

2. A person described in subsection 1:

(a) Shall clearly identify himself or herself to any person to whom he or she provides applied behavior analysis services as a student, intern, trainee or fellow; and

(b) Shall not identify himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, or represent or imply that he or she is licensed, certified or registered by the Division.

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 register of all licenses, certificates and registrations.

(c) A register of all holders of licenses, certificates 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~~ Four 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~~ 4. 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~~ 5. 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~~ 6. 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 Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure, certification or registration of applicants, the

granting, refusal, revocation or suspension of licenses, certificates 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, certification and registration.*
- 2. License, certify and register qualified applicants.*
- 3. Conduct investigations of licensees, certificate holders and registrants.*
- 4. Revoke or suspend licenses, certificates 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, certificate 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 the licensure of behavior analysts and assistant behavior analysts, certification of state certified behavior interventionists and registration of registered 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 deposited in a separate account in the State General Fund. 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, state certified behavior interventionist 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 Board shall adopt regulations to ensure that licensed behavior analysts and assistant behavior analysts, state certified behavior interventionists 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, certification as a state certified behavior interventionist or registration as a registered 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 5 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 of good moral character as determined by the Division.

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

(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.

2. *Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:*

(a) Is of good moral character as determined by the Division.

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

(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.

3. *Each application for certification as a state certified behavior interventionist must contain proof that the applicant meets the qualifications prescribed by regulation of the Board, which must be no less stringent than the requirements for registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.*

4. *Each application for registration as a registered behavior technician must contain proof that the applicant is registered as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization. The Board shall not require any additional education or training for registration as a registered behavior technician.*

5. *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, certification or registration; and

(b) Issue a written statement to the applicant of its determination.

6. *If the Division determines that the qualifications of the applicant are insufficient for licensure, certification or registration, the written statement issued to the applicant pursuant to subsection 5 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, certificate as a state certified behavior interventionist or registration as a registered 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, certificate as a state certified behavior interventionist or registration as a registered 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, certificate or registration; or

(b) A separate form prescribed by the Division.

3. A license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered 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 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 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 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 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, certificate as a state certified behavior interventionist or registration as a registered 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, certificate 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. In addition to the requirements of subsection 1, to renew a certificate as a state certified behavior interventionist or registration as a registered behavior technician for the third time and every third renewal thereafter, a

person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of section 20 of this act.

3. The Division shall, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, 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.

4. The Board may adopt regulations requiring each state certified behavior interventionist to receive continuing education as a prerequisite for the renewal of his or her certificate.

5. The Board shall not adopt regulations requiring a registered behavior technician 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, certificate as a state certified behavior interventionist or registration as a registered behavior technician must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, 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, certificate as a state certified behavior interventionist or registration as a registered 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, the certificate of a state certified behavior interventionist or the registration of a registered behavior technician who fails to pay the biennial fee for the renewal of a license, certificate 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, certificate or registration is so suspended, reinstate the license, certificate or registration upon payment to the Division

of the amount of the then current biennial fee for the renewal of a license, certificate or registration and the amount of the fee for the restoration of a license, certificate or registration so suspended. If the license, certificate or registration is not reinstated within 2 years, the Division may reinstate the license, certificate or registration only if it also determines that the holder of the license, certificate or registration is competent to practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered 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, certificate or registration is suspended.

Sec. 28. (Deleted by amendment.)

Sec. 29. 1. The Division may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered 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) Except as otherwise provided in sections 12 and 12.6 of this act, aided or abetted practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician by a person who is not licensed, certified or registered, as applicable, by the Division.

(f) Made any fraudulent or untrue statement to the Division.

(g) Violated a regulation adopted by the Board.

(h) Had a license, 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, 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 Board shall adopt regulations that establish grounds for disciplinary action for a licensed behavior analyst, licensed assistant behavior analyst, state certified behavior interventionist 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, certificate or registration for a period of not more than 1 year.

(d) Revoke the person's license, certificate or registration.

(e) Impose a fine of not more than \$5,000.

(f) Revoke or suspend the person's license, certificate 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, certificate or registration issued pursuant to this chapter, the Division shall deem the license, certificate 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, certificate or registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license, certificate 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, certificate 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, certificate or registration was suspended stating that the person whose license, certificate 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, assistant behavior analysts, state certified behavior interventionists or registered 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, certificate or registration from the Division;
- (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, certificate 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, assistant behavior analyst, state certified behavior interventionist or registered 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, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to take a written or oral examination to determine whether the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered 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, assistant behavior analyst, state certified behavior interventionist or registered 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, certificate of a state certified behavior interventionist or registration of a registered behavior technician pending proceedings for disciplinary action and requires the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered 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, certificate as a state certified behavior interventionist or registration as a registered 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, certificate 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, certificate 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, an assistant behavior analyst, a state certified behavior interventionist or a registered behavior technician which is harmful to the public, to limit the practice of the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst, certificate to practice as a state certified behavior interventionist or registration to practice as a registered 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 a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician without the proper license, certificate or registration from the Division.*

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, certificate 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, assistant behavior analysts, state certified behavior interventionists or registered behavior technicians, or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensure of a behavior analyst or assistant behavior analyst, certification of a state certified behavior interventionist or registration of a registered behavior technician or the discipline of a behavior analyst, an assistant behavior analyst, a state certified behavior interventionist or a registered 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, certificate 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, certificate 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. *Except as otherwise provided in sections 12, 12.3 and 12.6 of this act, a person shall not represent himself or herself as a behavior analyst,*

assistant behavior analyst, state certified behavior interventionist or registered behavior technician within the meaning of this chapter or engage in the practice of applied behavior analysis unless he or she is licensed, certified or 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. *A state certified behavior interventionist or registered behavior 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, certificate, 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, certificate or registration;*

3. *Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician of a like or different name;*

4. *Except as otherwise provided in sections 12 and 12.3 of this act, represents himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, or uses any title or description which indicates or implies that he or she is a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, unless he or she has been issued a license, certificate or registration as required by this chapter; or*

5. *Except as otherwise provided in sections 12, 12.3 and 12.6 of this act, practices as an applied behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician unless he or she has been issued a license, certificate or registration, as applicable,*

➡ 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, *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.~~

~~—(c)}~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Development Disorder Not Otherwise Specified.

~~[(d)]~~ (c) "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 ~~for autism~~, ~~registered behavior interventionist~~.

~~[(e)]~~ technician or state certified behavior interventionist.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~[(f)]~~ (e) "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)]~~ (f) "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)]~~ (g) "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~~.

~~[(i)]~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

(h) "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)]~~ (i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~[(k)]~~ (j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(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) "State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(n)]~~ (o) "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 ~~[-]~~ *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 ~~[-]~~ ;
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 ~~[641.020]~~ 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, certified as a state certified behavior interventionist or registered as a registered behavior technician pursuant to sections 2 to 50, inclusive, of this act, 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 (11) 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 ~~{or 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 ~~{or 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 ; ~~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 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 <u>examination</u>	<u>100</u>
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.~~

~~—(c)}~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~{(d)}~~ (c) "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 ~~{for autism}~~, registered behavior ~~{interventionist}~~.

~~—(e)}~~ technician or state certified behavior interventionist.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~{(f)}~~ (e) "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)}~~ (f) "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)}~~ (g) "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}~~.

~~—(i)}~~ Aging and Disability Services Division of the Department of Health and Human Services.

(h) "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)}~~ (i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~{(k)}~~ (j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(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) *"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.*

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~((n))~~ (o) "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.~~

~~(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~(d) (c) "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 [for autism], registered behavior [interventionist].~~

~~(e) technician or state certified behavior interventionist.~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~(f) (e) "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) (f) "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)}~~ (g) "Licensed behavior analyst" means a person who holds current certification ~~{or 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}~~.

~~{(i)}~~ Aging and Disability Services Division of the Department of Health and Human Services.

(h) "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)}~~ (i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~{(k)}~~ (j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(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) "State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~{(n)}~~ (o) "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.~~

~~—(c)} "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~{{(d)}} (c) "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 [for autism], registered behavior [interventionist].~~

~~—(e)} technician or state certified behavior interventionist.~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~{{(f)}} (e) "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)}} (f) "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)}} (g) "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].~~

~~—(i)} Aging and Disability Services Division of the Department of Health and Human Services.~~

(h) "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)}} (i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.~~

~~{{(k)}}~~ (j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) *"Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.*

(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) *"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.*

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~{{(n)}}~~ (o) "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.~~

~~—(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~{(d)}~~ (c) "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 ~~for autism~~, registered behavior ~~interventionist~~.

~~—(e) technician or state certified behavior interventionist.~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~{{f}}~~ (e) "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}}~~ (f) "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}}~~ (g) "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~~.

~~—(i)~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

(h) "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}}~~ (i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~{{k}}~~ (j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(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) "State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~{{n}}~~ (o) "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.~~

~~(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~(d) (c) "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 for autism, registered behavior interventionist.~~

~~(e) technician or state certified behavior interventionist.~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~(f) (e) "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) (f) "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) (g) "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]~~.

~~—(i)~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

(h) "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.

~~{(i)}~~ (i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~{(k)}~~ (j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) *"Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.*

(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) *"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.*

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~{(n)}~~ (o) "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, certificate as a state certified behavior interventionist or registration as a registered 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, certificate 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. In addition to the requirements of subsection 1, to renew a certificate as a state certified behavior interventionist or registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of section 20 of this act.

3. The Division shall, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, 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.]~~

4. The Board may adopt regulations requiring each state certified behavior interventionist to receive continuing education as a prerequisite for the renewal of his or her certificate.

5. The Board shall not adopt regulations requiring a registered behavior technician 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 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 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 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]~~ Two members 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)]~~ (b) 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 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 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 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 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 Atkinson moved that the Senate concur in Assembly Amendment No. 1152 to Senate Bill No. 286.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 490.

The following Assembly amendment was read:

Amendment No. 1103.

SUMMARY—Revises provisions relating to the foreclosure of real property. (BDR 9-488)

AN ACT relating to real property; revising provisions relating to the foreclosure of real property; authorizing electronic delivery of certain notices relating to the foreclosure of real property; revising provisions relating to the Foreclosure Mediation Program; requiring 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 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. (NRS 107.080) 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. Sections 1 and 1.5 also authorize the electronic delivery of a notice of default and election to sell real property, if authorized by the parties.

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, 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 Home Means Nevada, Inc., or its successor organization, to administer the Program. Section 2 requires 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 ~~or~~ or, if authorized by the parties, electronically; and (4) developing and maintaining an Internet portal for the purpose of streamlining the foreclosure mediation process. After mediation, section 2 requires 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, 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, 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 ~~or~~ or, if authorized by the parties, electronically; and (3) pay his or her share of the mediation fee. Section 2 increases the fee for mediation services from \$400 to \$500. Section 2 additionally requires that \$100 of the fee collected for mediation services be deposited into the Account for Foreclosure Mediation Assistance.

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. Existing law provides for the payment of a fee of \$45 for deposit into the Account for Foreclosure Mediation at the time of recording a notice of default and election to sell real property. (NRS 107.080) Section 1.5 of this bill: (1) increases the fee from \$45 to \$95; (2) replaces the Account for Foreclosure Mediation with the Account for Foreclosure Mediation Assistance; (3) requires the Account to be administered by the Interim Finance Committee; and (4) provides that the money collected for the Program may only be expended for the purpose of supporting the Program and the development and maintenance of ~~and~~ the Internet portal for a program of foreclosure mediation ~~is~~ required pursuant to section 2. 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 ~~or~~ or, if authorized by the parties delivered by electronic transmission. 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.

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 ~~[, 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 ~~[-]~~ or, if authorized by the parties, delivered by electronic transmission. The notice of default and election to sell must ~~[-~~ (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 . ~~[-~~ (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 , by electronic transmission if authorized by the parties 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 . ~~}; 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]~~ \$95 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,]~~ *Interim Finance Committee* and the money in the Account may be expended only for the purpose of ~~[supporting]~~ :

(1) *Supporting* a program of foreclosure mediation ~~[established by Supreme Court Rule.] ; and~~

(2) *The development and maintenance of an Internet portal for a program of foreclosure mediation ~~is~~ pursuant to subsection 18 of NRS 107.086.*

(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 or delivered by electronic transmission if authorized by the parties, 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]~~ 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, Home Means Nevada, Inc., or its successor organization, and the trustee by certified mail, return receipt requested ~~[or]~~ or, if authorized by the parties, by electronic transmission, 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]~~ 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 or delivered by electronic transmission, as applicable, 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 or delivered by electronic transmission, as applicable, 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,}~~ *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 or delivering by electronic transmission, as applicable, 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,}~~ *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,}~~ *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,}~~ *Home Means Nevada, Inc., or its successor organization,* by certified mail, return receipt requested ~~{,}~~ or, if authorized by the parties, by electronic transmission. 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 a copy of the petition, by certified mail, return receipt requested ~~{,}~~ or, if authorized by the parties, by electronic transmission, upon the beneficiary of the deed of trust and 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,}~~ *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 ~~{,}~~ or, if authorized by the parties, by electronic transmission, 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 ~~for~~, *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]~~ *Home Means Nevada, Inc., or its successor organization,* shall, not later than 60 days after ~~[the Mediation Administrator]~~ *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. 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 Mediation Administrator}~~ 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}~~ 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}~~ \$500 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. *On or before the first Monday of each month, the clerk of the district court shall pay over to the county treasurer an amount equal to \$100 of each fee charged and collected pursuant to this paragraph. The county treasurer shall remit quarterly all such amounts turned over to the county treasurer to the State Controller for deposit to the Account for Foreclosure Mediation Assistance created by paragraph (b) of subsection 13 of NRS 107.080.*

~~{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. The Mediation Administrator and each}~~

15. 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. *Home Means Nevada, Inc., or its successor organization, shall develop and maintain an Internet portal for a program of foreclosure mediation to streamline the process of foreclosure mediation. Home Means Nevada, Inc., or its successor organization shall:*

(a) Make available on the Internet portal the option to receive by electronic transmission any notification required as part of the process of foreclosure mediation;

(b) Require authorization in writing from any party who wants to receive notification by electronic transmission; and

(c) Authorize notification by electronic transmission at each stage of the process of foreclosure mediation.

19. 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.~~

~~(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.

~~(e)~~ (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.

~~(f)~~ (e) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

~~(g)~~ (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 Home Means Nevada, Inc., or its successor organization, and the beneficiary of the deed of trust, by certified mail, return receipt requested ~~;~~ or, if authorized by the parties, by electronic transmission.

2. Upon ~~satisfaction of the requirements of~~ receipt of a copy of a petition pursuant to subsection 1, ~~the Mediation Administrator~~ Home

Means Nevada, Inc., or its successor organization, shall notify the mortgage servicer, by certified mail, return receipt requested ~~[,] or, if authorized by the parties, by electronic transmission, 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]~~ *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 ~~[,] or, if authorized by the parties, by electronic transmission, 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 Mediation Administrator]~~ *Home Means Nevada, Inc., or its successor organization*. *Home Means Nevada, Inc., or its successor organization* shall, not later than 30 days after ~~[submission 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]~~ *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]~~ *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) "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) "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)]~~ (d) "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 ~~[(1)]~~ or, if authorized by the parties, by electronic transmission 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,~~ *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}~~ *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}~~ *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}~~ *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, ~~{or 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 ~~{,}~~ or, if authorized by the parties, by electronic transmission. 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 ~~{,}~~ or, if authorized by the parties, by electronic transmission, 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 ~~{,}~~ or, if authorized

by the parties, by electronic transmission, 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. ~~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.~~

~~—(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. 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 ~~to~~ or, if the authorized by the parties, delivered by electronic transmission, 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 or delivering by electronic transmission 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, ~~by~~ or delivered by electronic transmission, as applicable, 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 or deliver by electronic transmission to a unit's owner or his or her successor in interest a letter of its intent to mail or deliver by electronic transmission a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail or deliver by electronic transmission 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 ~~the~~ or, if authorized by the parties, delivers by electronic transmission:

(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~~ or delivered by electronic transmission, as applicable, 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 or delivered by electronic transmission, as applicable, 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}~~ *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}~~ *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 1.5 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. 9.5. 1. Notwithstanding any other provision of law, a person may enroll in the Foreclosure Mediation Program if:

(a) The person otherwise could have enrolled in the Foreclosure Mediation Program after December 31, 2016, or was mailed a notice of default and election to sell pursuant to NRS 107.080 after December 2, 2016;

(b) Before the effective date of this act, the person received a notice of default required by NRS 107.080 or a civil action was commenced against the person pursuant to NRS 40.430; and

(c) Before the effective date of this act, the property has not been sold.

2. A person described in subsection 1 shall have until 30 days after the effective date of this act to enroll in the Foreclosure Mediation Program.

Sec. 10. ~~{1. The amendatory provisions of this act apply to any person who~~

~~—(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; 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 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~~ 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

~~{{e}}~~ 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 Woodhouse moved that the Senate concur in Assembly Amendment No. 1103 to Senate Bill No. 490.

Remarks by Senator Woodhouse.

The new amendment authorizes electronic delivery of the notice of default and election to sell real property and provides for the maintenance of an internal portal for the purpose of streamlining foreclosure mediation processes.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 69, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that Amendment No. 1014 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

Conference Amendment No. 8.

SUMMARY—Revises provisions ~~[governing state agencies, boards and commissions that regulate occupations and professions.] relating to state government.~~ (BDR 54-229)

AN ACT relating to ~~[regulatory bodies.] state government~~; requiring certain regulatory bodies to adopt regulations governing the issuance of a license by endorsement to a natural person who holds a comparable license issued by the District of Columbia or any state or territory of the United States and meets certain other requirements; prohibiting the appointment as a member of a regulatory body of a person who has served as a member for 12 years or more under certain circumstances; ~~[prohibiting regulatory bodies from entering into an agreement for]~~ revising provisions relating to the payment of fees for legal services on a contingent basis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain occupations and professions in this State. (Title 54 of NRS) The various state agencies, boards and commissions that are authorized to license and regulate particular occupations or professions are generally referred to as "regulatory bodies." (NRS 622.060)

Section 3 of this bill requires a regulatory body that is not otherwise authorized or required by specific statute to issue a license to engage in an occupation or profession in this State to a natural person who has been issued a comparable license by another jurisdiction to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person who: (1) holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or

territory of the United States; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and (3) satisfies certain other requirements.

Section 4 of this bill establishes term limits for members of regulatory bodies. Specifically, section 4 provides that a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment, unless the person is serving as a member of a regulatory body with less than 250 licensees.

Existing law establishes specific requirements that must be satisfied before certain state agencies or officials may enter into a contingent fee contract with an attorney or law firm ~~that~~ and sets certain limitations on the amount of the fee that may be paid to an attorney or law firm retained in any matter that is the subject of a contingent fee contract. (NRS 228.111-228.118) Section 5 of this bill prohibits any regulatory body from entering into such a contract. Section 8 of this bill makes a conforming change. Section 8.5 of this bill revises the limitations on the amount of the fee that attorneys or law firms retained in any matter that is the subject of a contingent fee contract may be paid.

Existing law requires each regulatory body to submit a quarterly report to the Director of the Legislative Counsel Bureau that includes certain information concerning the disciplinary actions taken and the number of licenses issued by the regulatory body during the immediately preceding calendar quarter. (NRS 622.100) Section 7 of this bill requires the regulatory body also to include in the report: (1) the total number of applications for licensure received by the regulatory body; (2) the number of applications rejected by the regulatory body as incomplete; (3) the average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application; (4) a list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and (5) the number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body.

Section 18 of Senate Bill No. 516 of this session creates the Office of Workforce Innovation in the Office of the Governor. Section 19 of Senate Bill No. 516 of this session requires the Governor to appoint the Executive Director of the Office of Workforce Innovation. Section 9.5 of this bill requires the Executive Director of the Office of Workforce Innovation, on or before January 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report that includes: (1) the number of persons in this State who are engaged in an occupation or profession that is regulated by a regulatory body; and (2) the demand for the services of such persons engaged in such a regulated occupation or profession.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. *Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:*

- (a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;*
- (b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and*
- (c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.*

2. *The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:*

- (a) Is a citizen of the United States or otherwise has the legal right to work in the United States;*

(b) Has not been disciplined 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 to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body 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 or proof that the applicant has previously passed a comparable criminal background check; and

(i) Submits to the regulatory body the statement required by NRS 425.520.

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

☛ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 4. 1. Except as otherwise provided in subsection 2, notwithstanding any other provision of law, a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment.

2. The provisions of subsection 1 do not apply to a person who has served as a member of a regulatory body which has less than 250 licensees.

Sec. 5. 1. Notwithstanding the provisions of NRS 228.111 to 228.1118, inclusive, and any other provision of law, a regulatory body shall not employ, retain or otherwise contract with an attorney or law firm pursuant to a contingent fee contract.

2. As used in this section, "contingent fee contract" means a contract for legal services between a regulatory body and an attorney or law firm, pursuant to which the fee of the attorney or law firm is payable, in whole or in part, from any money recovered in a matter governed by the contract.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) For the immediately preceding calendar quarter:

(I) The number of licenses issued by the regulatory body ~~{during the immediately preceding calendar quarter;}~~ ;

(II) The total number of applications for licensure received by the regulatory body;

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and

(VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of

which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 7.3. (Deleted by amendment.)

Sec. 7.6. (Deleted by amendment.)

Sec. 8. NRS 228.1111 is hereby amended to read as follows:

228.1111 1. ~~{The}~~ *Subject to the limitations of section 5 of this act, the Attorney General or any other officer, agency or employee in the Executive Department of the State Government shall not enter into a contingent fee contract unless:*

(a) The Governor, in consultation with the Attorney General, has determined in writing:

(1) That the Attorney General lacks the resources, skill or expertise to provide representation in the matter that is the subject of the proposed contract; and

(2) That representation pursuant to a contingent fee contract is cost-effective and in the public interest; and

(b) The proposed contract complies with the requirements of NRS 228.111 to 228.1118, inclusive.

2. Before entering into a contingent fee contract, the Attorney General or other officer, agency or employee, as applicable, must obtain approval from the Interim Finance Committee to commit money for that purpose.

Sec. 8.5. NRS 228.1116 is hereby amended to read as follows:

228.1116 1. ~~{Except as otherwise provided in subsection 2, a retained attorney or law firm is not entitled to a fee, exclusive of any costs and expenses described in that subsection, of more than:~~

~~— (a) Fifteen percent of that portion of any amount recovered of less than \$10,000,000;~~

~~— (b) Ten percent of that portion of any amount recovered of \$10,000,000 or more but less than \$15,000,000;~~

~~— (c) Five percent of that portion of any amount recovered of \$15,000,000 or more but less than \$20,000,000; and~~

~~— (d) Two percent of that portion of any amount recovered of \$20,000,000 or more.~~

~~2.4~~ The total fee payable to all retained attorneys or law firms in any matter that is the subject of a contingent fee contract must not exceed ~~{ \$10,000,000, }~~ 25 percent of the amount recovered, exclusive of any costs and expenses provided for by the contract and actually incurred by the retained attorneys or law firms, regardless of the number of actions or proceedings or the number of retained attorneys or law firms involved in the matter.

~~{3.}~~ 2. A contingent fee:

(a) Is payable only from money that is actually received pursuant to a judgment or settlement agreement.

(b) Must not be based on any amount attributable to a fine or civil penalty, but may be based on an amount attributable to punitive damages.

~~{4.}~~ 3. As used in this section, "amount recovered" does not include any money paid as costs.

Sec. 9. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(b) Has not been disciplined 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 to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State; *and*

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body 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 or proof that the applicant has previously passed a comparable criminal background check. ~~[- and~~

~~(i) Submits to the regulatory body the statement required by NRS 425.520.]~~

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

☞ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 9.5. Section 20 of Senate Bill No. 516 of this session is hereby amended to read as follows:

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.

(m) *On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:*

(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

➤ *As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.*

Sec. 10. The provisions of section 4 of this act apply only to time served as a member of a regulatory body pursuant to an appointment made after the effective date of this act.

Sec. 11. 1. The provisions of section 5 of this act do not apply to an agreement between a regulatory body and an attorney or law firm entered into before the effective date of this act, but do apply to any renewal or extension of such an agreement.

2. The provisions of section 8.5 of this act do not apply to a contingent fee contract entered into before the effective date of this act, but do apply to any renewal or extension of such a contingent fee contract. As used in this subsection, "contingent fee contract" has the meaning ascribed to it in NRS 228.111.

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. 13. A regulatory body that is required to adopt regulations pursuant to section 3 of this act shall adopt such regulations not later than February 1, 2018.

Sec. 14. 1. This section and sections 1 to ~~9~~ 8.5, inclusive, and 10 to 13, inclusive, of this act become effective upon passage and approval.

2. Section 9.5 of this act becomes effective on July 1, 2017, if and only if Senate Bill No. 516 of this session is enacted by the Legislature and approved by the Governor.

3. Section 9 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.

KELVIN ATKINSON

TICK SEGERBLOM

Senate Conference Committee

STEVE YEAGER

TERESA BENITEZ-THOMPSON

Assembly Conference Committee

Senator Atkinson moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 69.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 144, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 892 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

Conference Amendment No. 6.

SUMMARY—Revises provisions relating to elections. (BDR 24-300)

AN ACT relating to elections; ~~authorizing 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;~~ requiring the Secretary of State to ensure that a person may use a mobile device to access certain information and submit certain information electronically to the Secretary of State; providing for voter preregistration by certain persons who are at least 17 years of age but less than 18 years of age; 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; 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 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. If any such polling place is established: (1) section 4 of this bill requires, with limited exception, the county clerk to publicize the location of any such polling place; and (2) 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, 26, 27, 29, 62.5, 63, 66 and 67 of this bill make conforming changes. Sections 72, 74, 75 and 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 62.5, 78-82, 86, 87 and 89 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 ensure that: (1) all public information that is included on the Internet website is accessible on a mobile device; and (2) a person may use a mobile device to submit any information or form relating to elections to the Secretary of State.

Section 14 of this bill authorizes certain persons who are at least 17 years of age but less than 18 years of age to preregister to vote in this State. Sections 15, 17, 18, 20, 23-25, 27, 28, 32-36, 38-45, 47-53, 55-61, 64, 65, 68-70, 80, 81, 83, 84, 85, 90-92, 97, 99 and 100 of this bill make conforming changes.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293.3585, 293C.270, 293C.275, 293C.3585) Sections ~~16,~~ 23-25, 27, 27.5, 79-81, 83 and 83.5 of this bill allow a person to sign a signature card rather than a roster.

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 by the seventh day before the election.

Section 96 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.

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 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.~~

~~— 2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.}] (Deleted by amendment.)~~

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[1. 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 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;~~

~~— (b) Post a list of the 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 designated as 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, except in the case of an emergency and if approved by the Secretary of State.}] (Deleted by amendment.)~~

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 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.}] (Deleted by amendment.)~~

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 and has not already voted in that county in the election;~~

~~— (b) Instruct the voter to sign the roster or a signature card; and~~

~~— (c) Verify the signature of the voter in the manner set forth in NRS 293.277.~~

~~— 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 that county 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.] (Deleted by amendment.)~~

Sec. 6.5. (Deleted by amendment.)

Sec. 7. 1. The Secretary of State shall ensure that:

(a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is accessible on a mobile device; and

(b) A person may use a mobile device 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:

(a) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

(b) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. Every citizen of the United States who is 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) 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. (Deleted by amendment.)

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~~ or section 14 of this act.

Sec. 16. (Deleted by amendment.)

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, ~~or~~ 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 at [his or her] a polling place at which he or she is entitled to vote before 7 p.m. 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.~~
- ~~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. (Deleted by amendment.)~~

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 provided 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. This subsection does not apply to a polling place established pursuant to section 2 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. 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.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 293.275 is hereby amended to read as follows:~~

~~—293.275— [No]~~

~~—1. Except as otherwise provided in subsection 2, an election board may not 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 for the polling place.~~

~~—2. For a polling place established pursuant to section 2 or 72 of this act, an 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.] (Deleted by amendment.)~~

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 or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster *or on a signature card* 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 ~~[:] 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 that county 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 *or on a signature card* 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 ~~[:] 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}~~ *or signature card*, verify the signature of the voter in the manner set forth in NRS 293.277 ~~= {and verify that the registered voter has not already voted in that county 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 [his or her] a polling place ~~{-}~~ at which he or she is entitled to vote.} (Deleted by amendment.)~~

Sec. 26.2. (Deleted by amendment.)

Sec. 26.4. (Deleted by amendment.)

Sec. 26.6. (Deleted by amendment.)

Sec. 26.8. (Deleted by amendment.)

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 ~~{-}~~ *or a signature card.*

(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 that county}~~ 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 that county)~~ in the current election pursuant to this section.

5. The roster for early voting *or a signature card, as applicable*, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number 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. 27.5. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~and~~

(4) The number of signatures in the roster for early voting for that day ~~[-]~~ ; *and*

(5) *The number of signatures on signature cards for the day.*

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting;

(d) *The signature cards used for early voting;* and

~~[(d)]~~ (e) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

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.] (Deleted by amendment.)~~

Sec. 30. (Deleted by amendment.)

Sec. 31. (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, 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, 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. (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 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 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. *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. (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;

(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 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}~~ 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, 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 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 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 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 Department of Motor Vehicles shall provide an application to *preregister* or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the 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 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 application. The authorized employee shall check the application for completeness and verify the information required by the application. Each 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 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 applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any 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 application not later than 5 days after that date.

5. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the 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 application. If the county clerk or field registrar of voters determines that the 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 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 application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

~~{5-}~~ 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 applications to *preregister or* register to vote.

~~{6-}~~ 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-}~~ 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 applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed 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. (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;

~~{(e)}~~ (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).

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 {a} :

(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. (Deleted by amendment.)

Sec. 61.6. (Deleted by amendment.)

Sec. 62. (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 or 72 of this act, if any, a roster containing the registered voters eligible to vote in the county or city, respectively;~~

~~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.] (Deleted by amendment.)~~

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 county clerk may 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. (Deleted by amendment.)~~

Sec. 63.5. (Deleted by amendment.)

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. (Deleted by amendment.)~~

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] entitled to vote, such person is guilty of a gross misdemeanor. (Deleted by amendment.)~~

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 76.5, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 72. ~~[1.—A city clerk may 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.~~

~~—2.—Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.] (Deleted by amendment.)~~

Sec. 73. (Deleted by amendment.)

Sec. 74. ~~[1.—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 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;~~

~~—(b) Post a list of the 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 designated as 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, except in the case of an emergency and if approved by the Secretary of State.] (Deleted by amendment.)~~

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 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.] (Deleted by amendment.)~~

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 and has not already voted in that city in the election;~~

~~—(b) Instruct the voter to sign the roster or a signature card; and~~

~~—(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.~~

~~—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 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 that city 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.} (Deleted by amendment.)~~

Sec. 76.5. (Deleted by amendment.)

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 76.5, 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.} (Deleted by amendment.)~~

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. This subsection does not apply to any polling place established pursuant to section 72 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. 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.} (Deleted by amendment.)~~

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 or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster *or on a signature card* 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 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 that city 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 *or on a signature card* 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] or signature card~~, 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 that city 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.] (Deleted by amendment.)~~

Sec. 82.2. (Deleted by amendment.)

Sec. 82.4. (Deleted by amendment.)

Sec. 82.6. (Deleted by amendment.)

Sec. 82.8. (Deleted by amendment.)

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 ~~[]~~ or a signature card.
- (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 that city~~ in the current election ~~and~~ 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 that city* in the current election pursuant to this section.

5. The roster for early voting or signature card, as applicable, must contain:

- (a) The voter's name, the address where he or she is registered to vote, his or her voter identification number 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. 83.5. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

- (a) Prepare and sign a statement for the polling place. The statement must include:
 - (1) The title of the election;
 - (2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
 - (3) The number of ballots voted on the mechanical recording device for that day; ~~and~~
 - (4) The number of signatures in the roster for early voting for that day ~~[]~~; and
 - (5) The number of signatures on signature cards for that day.

(b) Secure:

- (1) The ballots pursuant to the plan for security required by NRS 293C.3594; and
- (2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;
- (c) The signature cards used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~{{(d)}} (e) Any other items as determined by the city clerk.~~

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

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. (Deleted by amendment.)

Sec. 86. ~~[NRS 293C.530 is hereby amended to read as follows:]~~

~~— 293C.530 1. A city clerk may 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.*~~

~~—10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.] (Deleted by amendment.)~~

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 county clerk shall use the statewide voter registration list 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] *Except as otherwise provided in section 75 of this act, 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. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.] (Deleted by amendment.)~~

Sec. 88. (Deleted by amendment.)

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.] (Deleted by amendment.)~~

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; ~~{or}~~

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 by the seventh day before the election. If the federal postcard application is received after the seventh day 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}~~ 52 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 by the seventh day 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. If the federal postcard application 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 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. (Deleted by amendment.)

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),} 52 U.S.C. § 20302~~, 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 section 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. (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.

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.

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. (Deleted by amendment.)

Sec. 102. (Deleted by amendment.)

Sec. 103. (Deleted by amendment.)

Sec. 104. (Deleted by amendment.)

Sec. 105. (Deleted by amendment.)

Sec. 106. (Deleted by amendment.)

Sec. 107. (Deleted by amendment.)

Sec. 108. 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.

NICOLE J. CANNIZZARO

TICK SEGERBLOM

HEIDI S. GANSERT

Senate Conference Committee

OLIVIA DIAZ

JAMES OHRENSCHALL

Assembly Conference Committee

Senator Cannizzaro moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 144.

Remarks by Senator Cannizzaro.

The Committee agreed to the report which removes all provisions in the measure relating to the vote-center style of voting.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 259, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 948 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

Conference Amendment No. 5.

SUMMARY—Revises provisions relating to ~~driving under the influence of alcohol or a controlled substance,~~ transportation. (BDR 43-606)

AN ACT relating to ~~motor vehicles,~~ transportation; requiring certain persons to install an ignition interlock device following a revocation of a driver's license, permit or privilege to drive; revising the provisions governing the period of revocation of a driver's license, permit or privilege to drive related to certain offenses involving driving under the influence; requiring the court to order certain persons to install an ignition interlock device in certain circumstances; revising provisions governing the installation of an ignition interlock device following a conviction of driving under the influence of alcohol or a controlled substance; prohibiting a person from providing his or her breath for an ignition interlock device required to be installed in the vehicle of another person under certain circumstances; requiring the Committee on Testing for Intoxication to adopt certain regulations; prohibiting certain unfair trade practices; providing ~~a penalty;~~ penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the revocation of the driver's license, permit or privilege to drive of a person who: (1) has a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card; or (2) fails to submit to an evidentiary test requested by a police officer. The driver's license, permit or privilege of the person is revoked for a period of: (1) 90 days for having a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine under certain circumstances; or (2) not less than 1 year, or 3 years under certain circumstances, for failing to submit to an evidentiary test. (NRS 484C.210, 484C.220) Section 3 of this bill requires a person whose license, permit or privilege has been revoked for failure to submit to an evidentiary test or for having a concentration of alcohol of 0.08 or more in his or her blood or breath to install, at his or her own expense, an ignition interlock device in each vehicle the person operates as a condition to obtaining a restricted license. Existing law further provides that the officer is required to advise the person of his or her right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. (NRS 484C.220) Section 4 of this bill requires the officer to also advise the person that he or she is required to install an ignition interlock device, at his or her own expense, in each vehicle the person operates as a condition to obtaining a restricted license.

Under existing law, the driver's license, permit or privilege of a person convicted of an offense involving driving under the influence of alcohol or a controlled substance is revoked for

a period of 90 days for a first offense. (NRS 483.460) Section 1 of this bill revises the period of revocation for such an offense to not less than 185 days.

With certain exceptions, existing law requires a court to order a person to install, at his or her own expense, an ignition interlock device in each vehicle the person owns or operates if the person is convicted of an offense involving driving under the influence of alcohol or a controlled substance which: (1) constitutes a felony; or (2) constitutes a misdemeanor, but the concentration of alcohol in the person's blood or breath was 0.18 or more. Existing law also authorizes a court to order a person to install an ignition interlock device if the person is convicted of a misdemeanor offense involving driving under the influence of alcohol or a controlled substance in which the concentration of alcohol in the person's blood or breath was less than 0.18. (NRS 484C.110, 484C.400, 484C.460) Section 6 of this bill requires a court to order the installation of an ignition interlock device for all persons convicted of an offense involving driving under the influence of alcohol or a controlled substance. Section 9 of this bill authorizes a juvenile court to order the installation of an ignition interlock device for a child convicted of an offense involving driving under the influence of alcohol or a controlled substance. Section 3 authorizes the court to give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license before the issuance of an order from the court to do so. Further, section 7 of this bill authorizes the court to extend the order of a person required to install an ignition interlock device if the court requests and receives a report from the ~~(Director of the Department of Public Safety)~~ manufacturer of the device or its agent that the person has committed certain violations. Existing law authorizes a court to provide an exception to ordering a person to install an ignition interlock device to avoid undue hardship to the person. (NRS 484C.460) Section 6 revises this exception and additionally authorizes the court, in the interests of justice, to not order a person to install an ignition interlock device if: (1) a person is unable to provide a deep lung sample for a device as certified in writing by a physician; or (2) a person resides more than 100 miles from a manufacturer of a device.

Section 2.5 of this bill prohibits a person from providing a sample of his or her breath for an ignition interlock device required to be installed in a vehicle of another person with the intent to enable the person who is required to install the device to start the vehicle. A person who provides such a sample of breath is guilty of a misdemeanor.

Section 8 of this bill requires the Committee on Testing for Intoxication to adopt certain regulations relating to the manufacturer of the ignition interlock device to: (1) prescribe the form and content of certain records; (2) prescribe certain standards and procedures related to the device; and (3) require certain discounts and waive certain costs for certain persons.

Existing law classifies certain acts to restrain trade, fix prices or monopolize trade or commerce as unfair trade practices. (NRS 598A.060) Existing law makes commission of an unfair trade practice a category D felony, and also authorizes the Attorney General to bring certain actions and impose civil penalties against a person who commits such an act. (NRS 598A.160, 598A.170, 598A.280) Section 9.5 of this bill provides that it is an unfair trade practice for certain persons and motor carriers who transport nonhousehold refuse to unfairly divert trade from a competitor, injure a competitor, destroy competition or create a monopoly by offering to haul and dispose of such refuse at a price that is less than reasonable.

Existing law requires the Department of Motor Vehicles, in cooperation with the State Environmental Commission, to adopt regulations which prescribe the diagnostic equipment necessary to perform certain inspections of devices for the control of emissions for motor vehicles. (NRS 445B.785) Section 9.7 of this bill requires that such regulations ensure that more than one vendor is certified by the Department to maintain and service such diagnostic equipment.

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

- (1) A violation of subsection 6 of NRS 484B.653.
- (2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.
- (3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or 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.

☛ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of ~~{90 days,}~~ *not less than 185 days*, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS ~~484C.210~~ or 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a ~~{second violation within 7 years of}~~ *violation of* NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

- (a) To and from work or in the course of his or her work, or both; or
 - (b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.
- Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who ~~{has been ordered}~~ *is required* to install a device in a motor vehicle pursuant to NRS ~~484C.210~~ or 484C.460:

- (a) Shall install the device not later than ~~{21}~~ 14 days after the date on which the order was issued; and
- (b) May not receive a restricted license pursuant to this section until:
 - (1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or 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

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; or

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653 . ~~{; or~~

~~—(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.~~

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 ~~{;}~~ or *following an order of revocation issued pursuant to 484C.220*, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

- (a) If applicable, to and from work or in the course of his or her work, or both; or
- (b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

- (a) If applicable, to and from work or in the course of his or her work, or both;
- (b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or
- (c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

- (a) A violation of NRS 484C.110, 484C.210 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),

☛ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 2.5. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

Any person who provides a sample of breath for a device, with the intent to start a motor vehicle of another and for the purpose of allowing a person required to install a device pursuant to NRS 484C.210 or 484C.460 to avoid providing a sample of his or her breath, is guilty of a misdemeanor.

Sec. 3. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

3. *Except as otherwise provided in subsection 1, at any time while a person is not eligible for a license, permit or privilege to drive following a revocation under subsection 1 or 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the person shall install, at his or her own expense, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490.*

4. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

5. *If an order to install a device pursuant to NRS 62E.640 or 484C.460 follows the installation of a device pursuant to subsection 3, the court may give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license.*

~~{4-}~~ 6. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

7. *As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.*

Sec. 4. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid

prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. *The officer shall also, unless the information is expressly set forth in the order of revocation, advise the person that he or she is required to install a device pursuant to NRS 484C.210.* If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, as determined by a chemical test; or

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

✍ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. *The order must also indicate that the person is required to install a device pursuant to NRS 484C.210.* The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

5. *As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.*

Sec. 5. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any

location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review. *A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.*

2. The scope of the hearing must be limited to the issue of whether the person:

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.

➤ Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. *If, after the hearing, the order of revocation is affirmed, the person whose license, permit or privilege to drive has been revoked shall, if not previously installed, install a device pursuant to NRS 484C.210.*

4. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review. *A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.*

~~{4.}~~ 5. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

6. *As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.*

Sec. 5.5. NRS 484C.450 is hereby amended to read as follows:

484C.450 As used in NRS 484C.450 to 484C.480, inclusive, *and section 2.5 of this act*, unless the context otherwise requires, "device" means a mechanism that:

1. Tests a person's breath to determine the concentration of alcohol in his or her breath; and

2. If the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevents the motor vehicle in which it is installed from starting.

Sec. 6. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court ~~[-~~

~~(a) May~~ shall order a person convicted of ~~{a}~~ :

(a) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, ~~{for a period of not less than 3 months nor more than 6 months,}~~ to install , at his or her own expense *and for a period of not less than 185 days*, a device in any motor vehicle which the person ~~{owns or}~~ operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) ~~{Shall order a person convicted of:~~

~~(1)}~~ A violation of :

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) ~~{A violation of}~~ NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) ~~{A violation of}~~ NRS 484C.130 or 484C.430,

➤ ~~{for a period of not less than 12 months nor more than 36 months,}~~ to install , at his or her own expense *and for a period of not less than 12 months or more than 36 months*, a device in

any motor vehicle which the person ~~{owns or}~~ operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, *in the interests of justice*, provide for an exception to the provisions of ~~{subparagraph (1) of paragraph (b) of}~~ subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; ~~{and}~~

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment; or

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family. ~~{or}~~

~~—(3) Transport the person or another member of the person's immediate family to or from school.}~~

(c) *The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person; or*

(d) *The person resides more than 100 miles from a manufacturer of a device or its agent.*

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section *or NRS 483.490* shall ~~{~~

~~—(a) If the person was ordered to install a device pursuant to paragraph (a) of subsection 1,} have the device inspected, calibrated, monitored and maintained by the manufacturer of the device or its agent ~~{at least one time during the period in which the person is required to use the device; or~~~~

~~—(b) If the person was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent} at least one time each 90 days ~~{~~~~

~~—} during the period in which the person is required to use the device to determine whether the device is operating properly. ~~{An}~~ Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall ~~{submit a report to the Director}~~ prepare and maintain reports indicating whether the device is operating properly, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether ~~{it}~~ the device has been tampered with. ~~{If the device has been tampered with, the Director shall notify the court that ordered the installation of the device.}~~ Such reports must be furnished to a court upon request. Upon receipt of ~~{such notification}~~ a report which indicates that the device has been tampered with and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.~~

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

↪ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 7. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court ~~receives~~ requests from the ~~Director of the Department of Public Safety a report~~ manufacturer of the device, or its agent, reports pursuant to subsection 4 of NRS 484C.460 and the reports indicate that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

~~{2-}~~ 3. A person who violates any provision of subsection ~~{1-}~~ 2:

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

↪ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 8. NRS 484C.480 is hereby amended to read as follows:

484C.480 1. The Committee on Testing for Intoxication shall ~~{on or before January 1, 1990,}~~ adopt regulations which:

(a) Provide for the certification of each model of those devices, described by manufacturer and model, which it approves as designed and manufactured to be accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevent the motor vehicle in which it is installed from starting.

(b) Prescribe the form and content of records respecting the calibration of devices, which must be kept by the ~~{Director}~~ manufacturer of the device or ~~{the}~~ its agent, ~~{of the Director,}~~ and other records respecting the installation, removal, inspection, maintenance and operation of the devices which it finds should be kept by the ~~{Director}~~ manufacturer or ~~{the}~~ its agent.

(c) Prescribe standards and procedures for the proper installation, removal, inspection, calibration, maintenance and operation of a device installed by the manufacturer or its agent.

(d) Require the manufacturer or its agent to waive the cost of installing or removing the device and adjust the fee to lease, calibrate or monitor the device, if the person required to install a device pursuant to NRS 484C.210 or 484C.460:

(1) Has an income which is at or below 100 percent of the federally designated level signifying poverty, to 50 percent of the fee; or

(2) Receives supplemental nutritional assistance pursuant to NRS 422A.072, was determined indigent pursuant to NRS 171.188 or has an income which is at or below 149 percent of the federally designated level signifying poverty, to 75 percent of the fee.

2. The Committee shall establish its own standards and procedures for evaluating the models of the devices and obtain evaluations of those models from the Director or the manufacturer of the device or its agent.

3. If a model of a device has been certified by the Committee to be accurate and reliable pursuant to subsection 1, it is presumed that, as designed and manufactured, each device of that model is accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, will prevent the motor vehicle in which it is installed from starting.

Sec. 9. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for ~~90~~ 185 days and requiring the child to surrender the driver's license of the child to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may ~~authorize~~ :

(a) Authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section ~~[-]~~ ; and

(b) Order the child to install, at his or her own expense, or at the expense of the parent or guardian of the child, a device in any motor vehicle the child operates as a condition to obtaining a restricted license pursuant to NRS 483.490.

5. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 9.5. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A motor carrier or other person who engages in the transportation of nonhousehold refuse for remuneration, including, without limitation, a motor carrier or other person who is employed by, affiliated with or operating as an independent contractor for the owner or operator of the final disposal site for such refuse, shall not, with the intent to or with the effect of unfairly diverting trade from a competitor, injuring a competitor, destroying competition or creating a monopoly, advertise, offer to provide or provide the hauling and disposal of such refuse at a price that is less than reasonable.

2. A violation of subsection 1 constitutes a prohibited act under NRS 598A.060. The provisions of chapter 598A of NRS apply to any such violation. The Attorney General, an aggrieved competitor or any other person may exercise the powers conferred by that chapter to prevent, remedy or punish such a violation.

3. As used in this section:

(a) "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by or is under common ownership or control with another person. For the purposes

of this paragraph, the terms "owns," "is owned" and "ownership" mean the ownership of an equity interest, or the equivalent thereof, of 10 percent or more.

(b) "Motor carrier" means a common contract or private motor carrier registered through the Motor Carrier Division of the Department of Motor Vehicles.

(c) "Nonhousehold refuse" means solid waste from a source other than a residential household and includes, without limitation, waste from a building site or a site where a building or structure is torn down or renovated or where hard surfaces accompanying a building or structure are broken up or dismantled.

(d) "Reasonable" means not less than the aggregate of:

(1) The actual cost of transportation, including, without limitation, labor costs, fuel costs and the amortized costs of vehicles and equipment required for the loading, hauling and unloading of the nonhousehold refuse; and

(2) The price that the final disposal site charges for any other motor carrier or person who engages in the transporting of nonhousehold refuse for remuneration, other than a motor carrier or person who is employed by, affiliated with or operating as an independent contractor for the owner or operator of the final disposal site, for the dumping of nonhousehold refuse.

Sec. 9.7. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall, in cooperation with the Commission, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized stations and fleet stations. The regulations adopted pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that:

(1) The equipment complies with any applicable standards of the United States Environmental Protection Agency; ~~and~~

(2) Use of the equipment is specifically authorized by the Commission ~~to~~ ; and

(3) More than one vendor is certified by the Department to maintain and service the equipment.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized station and fleet station.

Sec. 10. This act becomes effective:

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

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

PATRICIA FARLEY

MARK MANENDO

DONALD GUSTAVSON

Senate Conference Committee

STEVE YEAGER

OZZIE FUMO

JIM WHEELER

Assembly Conference Committee

Senator Farley moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 259.

Remarks by Senators Farley, Roberson, Ford and Settelmeyer.

SENATOR FARLEY:

This provides that reports about certain events relating to interlock devices may be requested by the court with jurisdiction over the person or device. The amendment to Senate Bill No. 259 also makes it an unfair trade practice for certain motor carriers or others to haul certain waste and to charge less than reasonable prices and requires the Department of Motor Vehicles to adopt regulations ensuring that one or more vendors are certified to perform maintenance and service on emission-control diagnostic equipment.

SENATOR ROBERSON:

Has there been a Conference Committee meeting on this bill? I do not believe there has been one. It appears this bill has been gutted and replaced by an issue that received no traction earlier in the Session. The Senator from District No. 21 was the sponsor of the bill, and I do not know how much he was involved in this. This is, unfortunately, the type of underhanded thing that happens in the waning hours of a Legislative Session, behind closed doors and out of sight.

SENATOR FORD:

Please keep our dialogue cordial.

SENATOR ROBERSON:

I will strive for professionalism and courtesy. Nonetheless, transparency on this bill is lacking. I have been here for several Sessions, and something like this happens each Session. Before approving this Conference Committee Report, there should be more dialogue, and the Conference Committee should at least meet so the press and the public can see what is happening. There was not a hearing.

SENATOR FARLEY:

This amendment does nothing more than create an opportunity for small businesses to have the assurance that there is competitive and fair pricing occurring as they pursue their livelihood and that of their employees. Nothing sneaky or underhanded occurred. The rules were followed, and open hearings occurred. If anything occurred, it was in how this bill was processed by the opposition. I rise in support of every small business trying to grow against the big guys.

SENATOR SETTELMAYER:

Senate Bill No. 259 is similar to Senate Bill No. 315, from earlier this Session, that was heavily amended into just a renewables bill and passed out of this House. I voted "no" on that bill because I thought there could be funny stuff done with it somewhere along the way.

I did not realize there was such a problem with dump truck drivers drinking and driving that they need interlock devices on dump trucks. They do not. This bill takes an interlock bill and adds a section to it about dumps. It states that trade should not be unfairly diverted from a competitor into a competitor to destroy the competition; do not create a monopoly; do not advertise, or do not offer to provide the hauling or disposal at a price that is less than reasonable. And, for the first time in my life, we have a definition of reasonable included in the statute that says only the actual cost. I find this problematic. It is clear that this is aimed at one hauler in the State of Nevada, and because of that, I rise against this Conference Committee Report. I tried to contact the Republicans who served on Conference Committee, and they were never contacted about this meeting. This makes it make it not non-partisan, and I do not agree with that.

SENATOR FORD:

We need to reconsider this Conference Report.

Senator Ford moved that the action whereby the Conference Committee for the bill was appointed be rescinded.

Motion carried.

APPOINTMENT FROM CONFERENCE COMMITTEES

Senator Ford appointed Senators Farley, Manendo and Gustavson as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 259.

Senator Ford moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 8:26 p.m.

SENATE IN SESSION

At 9:25 p.m.
President Hutchison presiding.
Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 121, 167, 257, 325, 377, 457, 458, 497, 498, 538, 539, 540, 543; Senate Joint Resolutions Nos. 6, 14.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 49, Amendment No. 1162; Senate Bill No. 235, Amendments Nos. 1149, 1163; Senate Bill No. 300, Amendment No. 1160; Senate Bill No. 391, Amendment No. 1157; Senate Bill No. 392, Amendment No. 1138; Senate Bill No. 428, Amendment No. 1056; Senate Bill No. 451, Amendment No. 1130; Senate Bill No. 488, Amendment No. 1078; Senate Bill No. 541, Amendment No. 1044; Senate Bill No. 553, Amendment No. 1154, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 787 to Assembly Bill No. 259; Senate Amendments Nos. 1135, 1156 to Assembly Bill No. 399; Senate Amendments Nos. 1137, 1148 to Assembly Bill No. 413; Senate Amendments Nos. 1147, 1155 to Assembly Bill No. 423.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bill No. 144.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 25.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 45.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 454.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Manendo moved that the action whereby the Senate did not concur with Assembly Amendment No. 948 to Senate Bill No. 259 be rescinded.

Motion carried.

Senator Manendo moved to concur with Assembly Amendment No. 948 to Senate Bill No. 259.

Motion carried by a constitutional majority.

Bill ordered enrolled.

UNFINISHED BUSINESS
REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Assembly Bill No. 25, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 954 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

Conference Amendment No. 4.

SUMMARY—Revises provisions relating to certain allowable deductions from the period of probation or sentence of a person. (BDR 14-171)

AN ACT relating to criminal offenders; revising provisions relating to certain allowable deductions from the period of probation or sentence of a person; authorizing the Governor to grant certain deductions from the period of the sentence of a person under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a person who is sentenced to serve a period of probation for a felony or gross misdemeanor be allowed for the period of probation a deduction of a certain number of days from that period for each month the person serves if he or she is in compliance with the terms and conditions of the probation and is: (1) current with any fee to defray the costs of the person's supervision and any fines, fees and restitution ordered by the court; and (2) actively involved in employment or enrolled in a program of education, rehabilitation or another program approved by the Division of Parole and Probation of the Department of Public Safety. (NRS 176A.500) Existing law similarly requires that certain persons who are on parole or released on parole be allowed for the period the person is on parole a deduction of a certain number of days from the person's sentence for each month served if the person is current with any fee to defray the costs of his or her supervision and any payment of restitution required by the State Board of Parole Commissioners. (NRS 209.4475)

Section 1 of this bill revises the requirements that a probationer must satisfy to be allowed a deduction from his or her period of probation. Section 1 removes the requirements that the probationer be in compliance with the terms and conditions of the probation and be current on the payment of fines and fees ordered by the court, thereby making the requirements for probationers to be allowed a deduction more similar to the existing requirements imposed on parolees. Section 1 also removes the requirement that a probationer, to be allowed a deduction, must be both: (1) current with any fee to defray the costs of his or her supervision and any payment of restitution; and (2) actively involved in employment or enrolled in a program approved by the Division, and instead provides that a probationer is allowed a separate deduction for satisfying each such requirement.

Existing law provides that under certain circumstances an offender may earn credits to reduce his or her sentence of imprisonment for each month the offender serves. (NRS 209.4465) Section 1.5 of this bill authorizes the Governor, by executive order, if the Governor determines it is necessary, to grant additional credits to reduce an offender's sentence by not more than 5 days for each month an offender serves.

Sections 1 and 2 of this bill, respectively, provide that for the purpose of determining whether a probationer is allowed a deduction from his or her period of probation for being current with any fee to defray the costs of his or her supervision and any payment of restitution or whether a parolee is allowed a deduction from his or her sentence, the probationer or parolee shall be deemed to be current with any fee to defray the costs of his or her supervision and any payment of restitution for any given month if, during that month, the probationer or parolee makes at least the minimum monthly payment established by the court, the Division or the Board, as applicable.

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

Section 1. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor ~~{must be allowed for the period of the probation a deduction as set forth in subsection 6 if the offender is in compliance with the terms and conditions of the probation as determined by the Division and is:~~

~~—(a) Current with any fee to defray the cost of the supervision charged pursuant to NRS 213.1076 and with any fines, fees and restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430; and~~

~~—(b) Actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.~~

~~—6. A person described in subsection 5} must be allowed for the period of the probation a deduction of:~~

~~(a) Ten days from that period for each month the person serves and is current {on} with any {fees} fee to defray the {cost} costs of {the} his or her supervision {owed} charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076 and {on} with any {fines, fees and} payment of restitution ordered by the court {; and} , including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.~~

~~(b) Except as otherwise provided in subsection 7, {an additional} 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.~~

~~6. A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection 5 regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection 5 if the person has satisfied the requirements of both paragraphs of that subsection.~~

7. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

8. As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 1.5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➤ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

↪ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

10. In addition to the credits allowed pursuant to this section, if the Governor determines, by executive order, that it is necessary, the Governor may authorize the deduction of not more than 5 days from a sentence for each month an offender serves. This subsection must be uniformly applied to all offenders under a sentence at the time the Governor makes such a determination.

Sec. 2. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period the offender is actually on parole a deduction of 20 days from the offender's sentence for each month the offender serves if:

(a) The offender is current with any fee to defray the costs of his or her supervision *charged by the Division of Parole and Probation of the Department of Public Safety* pursuant to NRS 213.1076; and

(b) The offender is current with any payment of restitution required *by the State Board of Parole Commissioners* pursuant to NRS 213.126.

2. *An offender shall be deemed to be current with any fee and payment of restitution described in subsection 1 for any given month if, during that month, the offender makes at least the minimum monthly payment established by:*

(a) The Division of Parole and Probation of the Department of Public Safety, if any; and

(b) The State Board of Parole Commissioners, if any.

3. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

~~{3-}~~ 4. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or ~~{2-}~~ 3, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

~~{4-}~~ 5. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

~~{5-}~~ 6. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 3. 1. The amendatory provisions of this act apply to offenses committed before, on or after July 1, 2017.

2. For the purpose of calculating credits earned by a person pursuant to :

(a) NRS 176A.500 or 209.4475, the amendatory provisions of this act must be applied only to credits earned by the person on or after July 1, 2017.

(b) NRS 209.4465, the amendatory provisions of this act may be applied retroactively for not more than 5 years after the date of any executive order issued pursuant to subsection 10 of NRS 209.4465, if the Governor determines that it is necessary.

Sec. 4. This act becomes effective on July 1, 2017.

TICK SEGERBLOM
NICOLE J. CANNIZZARO
MOISES DENIS

Senate Conference Committee

JAMES OHRENSCHALL
LESLEY E. COHEN
LISA KRASNER
Assembly Conference Committee

Senator Segerblom moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 25.

Remarks by Senators Segerblom and Kieckhefer.

SENATOR SEGERBLOM:

This amendment provides the Governor with the opportunity to add additional good-time credits in case our prisons are overcrowded and there is a need to find more bed space without sending people out of State. It is an option for the Governor and has been used in the past. In 2007, a similar option was used.

SENATOR KIECKHEFER:

I object to giving the Governor unilateral authority to reduce prison time so I will be voting "no".

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 45, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 953 of the Senate be concurred in.

KELVIN ATKINSON

OLIVIA DIAZ

NICOLE J. CANNIZZARO

TERESA BENITEZ-THOMPSON

JAMES A. SETTELMAYER

JOHN HAMBRICK

Senate Conference Committee

Assembly Conference Committee

Senator Spearman moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 45.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 454, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 697 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

Conference Amendment No. 7.

SUMMARY—Makes various changes to provisions relating to ~~accountants~~ professions. (BDR 54-109)

AN ACT relating to ~~accountants~~ professions; revising provisions relating to the qualifications and appointment of members of the Nevada State Board of Accountancy; revising provisions relating to the adoption or amendment of rules of professional conduct by the Board; revising the qualifications for a certificate of certified public accountant; revising certain educational and work experience requirements for a certificate of certified public accountant; ~~eliminating the requirement that an accounting firm which performs attest services but which does not have an office in this State must register with the Board; providing that such an accounting firm may perform attest services under the same conditions as it practices and performs nonattest services;~~ authorizing the issuance of a cease and desist order to a person believed to be engaged in the unlawful practice of accounting; repealing provisions relating to the registration of public accountants and business entities formed by public accountants; exempting certain professionals who hold a valid and unrestricted license to practice in another jurisdiction from provisions governing the practice of those professions for certain purposes relating to athletics; increasing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of accountants in this State. (Chapter 628 of NRS) Sections 1, 3 and 4 of this bill revise definitions relating to services to be performed by accountants to conform with the seventh edition of the Uniform Accountancy Act, published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

Section 9 of this bill requires the Nevada State Board of Accountancy to provide notice of proposed new rules of professional conduct or amendments to rules of professional conduct to permit holders by electronic mail rather than by delivery by the United States Postal Service. Section 10 of this bill removes the requirement that to qualify for a certificate of certified public accountant, the applicant must either be a resident of this State or designate an agent in this State to receive service of process for the applicant. Sections 11-13 of this bill revise certain educational, work experience and examination requirements for a certificate of certified public accountant.

~~[Section 14.2 of this bill eliminates the requirement that a partnership, corporation, limited liability company or sole proprietorship must register with the Board in order to perform attest services for a client having his or her home office in this State. (NRS 628.335) Section 14.2 additionally authorizes such a partnership, corporation, limited liability company or sole proprietorship to perform attest services for a client having his or her home office in this State without registering only if the partnership, corporation, limited liability company or sole proprietorship meets the existing criteria for nonattest services. Sections 13.5, 14.4 14.8 and 31.5 of this bill make conforming changes necessitated by the revisions to section 14.2.]~~

Section 28 of this bill authorizes the Board to provide another licensing board or agency with otherwise confidential and privileged records relating to a complaint if the Board is cooperating in an investigation by that board or agency. Section 39 of this bill authorizes the Board to issue a cease and desist order to a person the Board believes to be engaging in certain unlawful acts relating to accounting. Section 40 of this bill increases the penalty for committing certain unlawful acts relating to accounting from a misdemeanor to a gross misdemeanor.

Section 45 of this bill repeals provisions relating to the registration and regulation of registered public accountants and business entities formed by public accountants. Sections 5, 6, 8, 14, 15-27, 29-31, 32-38 and 41-44 of this bill make conforming changes.

Under existing law, the Nevada Society of Certified Public Accountants is required to submit to the Governor the names of at least three persons qualified for membership on the Board for each position on the Board to be filled by a certified public accountant. (NRS 628.075) Section 7 of this bill authorizes the Nevada Society of Certified Public Accountants to recommend to the Governor the reappointment of a current Board member who is eligible for reappointment without submitting other names for consideration.

Existing law requires a person to be licensed by the Board of Medical Examiners, State Board of Osteopathic Medicine, Chiropractic Physicians' Board of Nevada, State Board of Oriental Medicine, State Board of Physical Therapy Examiners or Board of Athletic Trainers before practicing the profession regulated by the applicable board in this State. (NRS 630.160, 633.741, 634.227, 634A.230, 640.169, 640B.700) Sections 41.1, 41.25, 41.35, 41.5, 41.65 and 41.8 of this bill provide for a temporary exemption from this requirement for a professional who holds a valid and unrestricted license to practice in another jurisdiction and is practicing his or her profession for certain purposes relating to athletic competition or training. Such an exemption lasts for 10 days, but may be extended for not more than 20 additional days upon application to the applicable board. A professional who is practicing under such an exemption is prohibited from: (1) practicing at a medical facility; (2) providing services to persons outside the scope of the exemption; or (3) practicing his or her profession under such an exemption for more than 60 days in a calendar year. Sections 41.2, 41.3, 41.4, 41.6, 41.7 and 41.9 of this bill provide that a person practicing his or her profession under such an exemption is not subject to regulation under chapter 630, 633, 634, 634A, 640 or 640B of NRS while practicing within the scope of the exemption

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 628 of NRS is hereby amended by adding thereto a new section to read

as follows:

"Report," when used with respect to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements, and that also includes or is accompanied by a statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to, or special competence on the part of the person or firm issuing such language, including, without limitation, another form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

Sec. 2. NRS 628.003 is hereby amended to read as follows:

628.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 628.005 to 628.033, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.

Sec. 3. NRS 628.005 is hereby amended to read as follows:

628.005 "Attest," "attesting" and "attestation" mean *providing* the ~~issuance of opinions, reports or other documents which state or imply assurance of the reliability of information when the opinions, reports or other documents are accompanied by or contain any name, title or wording which indicates that the person or other entity which has issued them is an accountant or auditor, or has expert knowledge in accounting or auditing. The terms include any disclaimer of an opinion when the disclaimer is in a form which is understood to imply any positive assurance of the reliability of the information and expertise on the part of the person making the disclaimer.~~ following services:

1. An audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS) published by the American Institute of Certified Public Accountants.

2. A review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants.

3. An examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE) published by the American Institute of Certified Public Accountants.

4. An engagement to be performed in accordance with the standards of the Public Company Accounting Oversight Board.

5. An examination, review or agreed upon procedures engagement to be performed in accordance with the SSAE, other than an examination described in subsection 3.

Sec. 4. NRS 628.014 is hereby amended to read as follows:

628.014 "Compilation" means ~~the presentation, in the form of financial statements prepared~~ providing a service to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants, ~~of information~~ that is ~~a representation by~~ presented in the ~~owner or management~~ form of ~~an entity~~ financial statements, of information that is the representation of the owner or management without undertaking to ~~state or imply assurance of the reliability of~~ express any assurance on the ~~information.~~ statements.

Sec. 5. NRS 628.0345 is hereby amended to read as follows:

628.0345 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~any registration or license granted to a registered public accountant pursuant to NRS 628.350~~ or a permit issued pursuant to NRS 628.380 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 certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~any registration or license granted to a registered public accountant pursuant to NRS 628.350~~ or a permit issued pursuant to NRS 628.380 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 certificate ~~[-, registration, license]~~ or permit; or

(b) A separate form prescribed by the Board.

3. A certificate ~~[-, registration, license]~~ or permit described in subsection 1 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. 6. NRS 628.045 is hereby amended to read as follows:

628.045 1. ~~{Except as otherwise provided in subsection 2, the}~~ *The* Governor shall appoint to the Board ~~{six}~~ :

(a) ~~Six members who are certified public accountants {in the State of Nevada and one member who is a registered public accountant} in the State of Nevada [- Of the six members who are certified public accountants:] of whom:~~

~~{(a)}~~ (1) One member must be employed by the government or by private industry; and

~~{(b)}~~ (2) Five members must be engaged in the practice of public accounting.

~~{2. Whenever the total number of registered public accountants who practice is 10 or fewer, the Board must consist of six members who are certified public accountants and the member who is a registered public accountant until that member's term of office expires. Thereafter, the Board must consist of:~~

~~—(a) Six members who are certified public accountants, one of whom must be employed by the government or by private industry;}~~

(b) One member who represents the public. This member must not be:

(1) A certified public accountant ~~[-] or a public accountant ; {or a registered public accountant;}~~ or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a certified public accountant ~~[-] or a public accountant . {or a registered public accountant.~~

~~—3.} 2. No person may be appointed to the Board unless he or she is:~~

(a) Engaged in active practice as a certified public accountant ~~{or registered public accountant}~~ and holds a live permit to practice public accounting in this State, or is appointed as the member who represents the public.

(b) A resident of the State of Nevada.

Sec. 7. NRS 628.075 is hereby amended to read as follows:

628.075 1. ~~{The}~~ *Except as otherwise provided in subsection 2, the* Nevada Society of Certified Public Accountants shall, at least 30 days before the beginning of any term, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Board for each position to be filled by a certified public accountant. The Governor shall appoint new members or fill the vacancy from the list, or request a new list. If the Nevada Society of Certified Public Accountants fails to submit timely nominations for a position on the Board, the Board may submit nominations to the Governor, who shall appoint members from among the nominees or request a new list.

2. *If the term of a current member of the Board is expiring and that member is eligible for reappointment to the Board, the Nevada Society of Certified Public Accountants may*

recommend to the Governor the reappointment of that member without having to submit additional names for consideration to the Governor.

3. The Governor may appoint any qualified person who is a resident of this State to the position which is to be occupied by a person who represents the public.

Sec. 8. NRS 628.130 is hereby amended to read as follows:

628.130 The Board shall:

1. Have a seal of which judicial notice must be taken.

2. Keep records of its proceedings. In any proceedings in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of those records certified as correct under the seal of the Board are admissible in evidence as tending to prove the contents of the records.

3. Maintain a website on the Internet or its successor and post on its website:

(a) The names arranged alphabetically by classifications of all accountants and business entities holding ~~licenses,~~ certificates, registrations or permits under this chapter.

(b) The names of the members of the Board.

(c) Such other matter as may be deemed proper by the Board.

Sec. 9. NRS 628.160 is hereby amended to read as follows:

628.160 1. The Board may by regulation adopt and amend rules of professional conduct appropriate to establish and maintain a high standard of quality, integrity and dignity in the profession of public accountancy.

2. In addition to the requirements of chapter 233B of NRS, the Board shall ~~[-at least 60 days before the adoption of any such rule or amendment, mail copies of the]~~ *provide notice of any such proposed rule or amendment to each holder of a live permit, to the electronic mail address shown in the records of the Board, together along with [a notice] information* advising the holder of the permit of the date, time and place of the hearing on the proposed rule or amendment and requesting that he or she submit any comments thereon at least 15 days before the hearing. The comments are advisory only. ~~[Failure by inadvertence or error to mail the rule, amendment or notice to each holder of a permit does not affect the validity of any rule or amendment if the Board has made an effort in good faith to mail the notice to all holders of permits.]~~ *The Board shall also make available on its Internet website the proposed rule or amendment.*

3. The Board may adopt regulations concerning the professional conduct of corporations, partnerships and limited-liability companies practicing certified public accounting or public accounting which it deems consistent with or required by the public welfare, including regulations:

(a) Governing the style, name and title of the corporations, partnerships and limited-liability companies.

(b) Governing the affiliation of the corporations, partnerships and limited-liability companies with any other organizations.

Sec. 10. NRS 628.190 is hereby amended to read as follows:

628.190 1. Except as otherwise provided in this section and NRS 628.310, a certificate of certified public accountant must be granted by the Board to any person who:

(a) Is ~~[a resident of this State or, if not a resident, has designated to the Board an agent who is a resident for notification and service of process;~~

~~—(b) Is a person who is]~~ without any history of acts involving dishonesty or moral turpitude;

~~[(e)]~~ (b) Complies with the requirements of education and work experience as provided in NRS 628.200;

~~[(d)]~~ (c) Has submitted to the Board 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 its report; and

~~[(e)]~~ (d) Has passed the examination prescribed by the Board.

2. The Board may refuse to grant a certificate of certified public accountant to an applicant if he or she has been convicted of a felony in this State or an offense in another state or jurisdiction which would be a felony if committed in this State.

3. The Board may issue a provisional certificate to an applicant until the Board receives the report from the Federal Bureau of Investigation.

Sec. 11. NRS 628.200 is hereby amended to read as follows:

628.200 1. Except as otherwise provided in subsection 4, the requirements of education for a certificate of certified public accountant are:

(a) At least 150 semester hours or an equivalent number of quarter hours; and

(b) A baccalaureate degree or an equivalent degree from a college or university recognized by the Board:

(1) With a major in accounting, or what the Board determines to be substantially the equivalent of a major in accounting; or

(2) With a major other than accounting supplemented by what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration.

2. The requirement for *work* experience for a certificate of certified public accountant is:

(a) Two years of public accounting experience in a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting under the direct supervision of a person who is a certified public accountant; or

(b) ~~[Experience in internal auditing work or governmental accounting and auditing work]~~ *Other work experience under the direct supervision of a person engaged in active practice as a certified public accountant*, of a character and for a length of time sufficient in the opinion of the Board to be substantially equivalent to the requirements of paragraph (a).

3. The Board:

(a) Shall adopt regulations concerning:

(1) The number of semester hours or an equivalent number of quarter hours in accounting and other courses required by an applicant to satisfy the requirements of subsection 1.

(2) The public accounting experience ~~[, internal auditing work, and governmental accounting and auditing]~~ *or other work experience* required by an applicant to satisfy the requirements of subsection 2.

(b) May provide by regulation for the substitution of qualified programs of continuing education to satisfy partially the requirement of *work* experience described in paragraph (b) of subsection 2 or may add any program to the requirement of *work* experience.

4. Notwithstanding any provision of this section to the contrary, an applicant for a certificate of certified public accountant who has received conditional credit pursuant to NRS 628.260 for passing a section of the examination required for a certificate, and who applies that credit to subsequent passage of the examination, is subject to the educational requirements to receive a certificate that were in effect on the date on which the applicant ~~[first received the conditional credit]~~ *passed all sections of the examination*.

Sec. 12. NRS 628.240 is hereby amended to read as follows:

628.240 A candidate for a certificate of certified public accountant who has met the educational requirements as prescribed by the Board pursuant to NRS 628.230 is eligible to take the examination without waiting until he or she meets the requirements of *work* experience if the candidate also meets the requirements of ~~[paragraphs]~~ *paragraph (a) [and (b)]* of subsection 1 of NRS 628.190.

Sec. 13. NRS 628.310 is hereby amended to read as follows:

628.310 1. The Board may waive the examination, the requirements for education or the requirements for *work* experience, or any combination thereof, required under NRS 628.190, and may issue a certificate as a certified public accountant to any person who is the holder of a certificate as a certified public accountant then in effect issued under the laws of any state or other jurisdiction of the United States approved by the Board, constituting a recognized qualification for the practice of public accounting comparable to that of a certified public accountant of this State, if:

(a) The person has passed an examination that is substantially the same as the examination conducted pursuant to NRS 628.230 with a grade that would have been a passing grade in this State on the date on which the person received his or her original certificate;

(b) The person has experience in the practice of public accountancy, either as a certified public accountant or as a staff accountant employed by a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting and working under the direct supervision of a person who is a certified public accountant, while

holding a certificate as a certified public accountant for more than 4 of the 10 years immediately preceding his or her making application pursuant to this chapter; and

(c) The requirements for education of the state or other jurisdiction from which the person received his or her original certificate are determined by the Board to satisfy the requirements for education of this State.

2. The Board may ~~{waive the examination, the requirements for education or the requirements for experience, or any combination thereof, under NRS 628.190, and may}~~ issue a certificate as a certified public accountant to any person who is the holder of an equivalent certificate then in effect issued by a foreign country if:

(a) Persons who are certified as public accountants in this State are granted similar privileges by the foreign country in which the applicant is certified;

(b) The applicant's certificate:

(1) Was issued by the appropriate authority that regulates the practice of public accountancy in the foreign country in which the certificate was issued;

(2) Has not expired or been revoked or suspended; and

(3) Authorizes the applicant to issue reports upon financial statements;

(c) The requirements for education and examination of the regulatory authority of the foreign country were substantially equivalent to the requirements for education and examination of this State on the date on which the applicant received his or her certificate;

(d) The applicant:

(1) Complied with requirements for experience in the foreign country in which the certificate was issued that are substantially equivalent to the requirements set forth in NRS 628.200; or

(2) Has completed in any state at least 4 years of public accounting experience, or equivalent experience determined to be appropriate by the Board, within the 10 years immediately preceding his or her making application for certification in this State;

(e) The applicant has passed a written examination on national standards for public accounting and ethics that is acceptable to the Board; and

(f) The applicant submits with the application a list of all jurisdictions in which he or she has applied for and received a certificate to practice public accounting.

3. A person who is granted a certificate as a certified public accountant pursuant to subsection 2 shall notify the Board, in writing, within 30 days after:

(a) The person is issued an equivalent certificate to practice public accounting by another jurisdiction or is denied the issuance of such a certificate;

(b) A certificate to practice public accounting issued to the person by another jurisdiction is revoked or suspended; or

(c) Another jurisdiction in which the person is certified to practice public accounting commences any type of disciplinary action against the person.

Sec. 13.5. ~~{NRS 628.315 is hereby amended to read as follows:~~

~~628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license as a certified public accountant from any state other than this State shall be deemed to be a certified public accountant for all purposes under the laws of this State other than this chapter.~~

~~2. A natural person granted practice privileges pursuant to subsection 1 is not required to obtain:~~

~~(a) A certificate pursuant to NRS 628.190; or~~

~~(b) A permit pursuant to NRS 628.380.~~

~~3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited liability company or sole proprietorship that employs such a person shall be deemed to consent, as a condition of the grant of such practice privileges:~~

~~(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.~~

~~(b) To comply with the provisions of this chapter and the regulations of the Board.~~

~~(c) That, in the event that the license from the state wherein the natural person's principal place of business is located becomes invalid, the natural person will cease offering or engaging in the practice of professional accounting in this State individually and on behalf of a partnership, corporation, limited liability company or sole proprietorship.~~

~~—(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding relating to the natural person or the partnership, corporation, limited-liability company or sole proprietorship by the Board.~~

~~—4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited-liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335 [.] or is exempt from registration pursuant to subsection 3 of NRS 628.335.] (Deleted by amendment.)~~

Sec. 14. NRS 628.325 is hereby amended to read as follows:

628.325 1. One or more natural persons may organize a corporation for the practice of public accounting under the Professional Entities and Associations Act, chapter 89 of NRS. The corporation is not required to have more directors than shareholders, but at least one director must be a shareholder. The other directors need not, but may, be shareholders.

2. One or more natural persons may:

- (a) Organize a corporation pursuant to chapter 78 of NRS;
- (b) Qualify to do business as a foreign corporation pursuant to chapter 80 of NRS;
- (c) Organize a limited-liability company pursuant to chapter 86 of NRS; or
- (d) Register as a foreign limited-liability company pursuant to chapter 86 of NRS,

→ to practice public accounting.

3. The organization, qualification or registration of a corporation or company pursuant to subsection 2:

(a) Does not modify:

- (1) The relationship between an accountant and a client;
- (2) The liability arising out of that relationship; or
- (3) The compliance of the corporation or company with this chapter or any regulations adopted pursuant thereto.

(b) Does not render:

- (1) A person liable in tort for any act in which he or she has not personally participated.

(2) The manager, a member or an employee of a limited-liability company liable in contract for any contract which the person executes on behalf of a limited-liability company within the limits of his or her authority.

4. Notwithstanding any specific statute to the contrary, a simple majority of the ownership of a corporation, partnership or limited-liability company organized for the practice of public accounting in this State, in terms of the financial interests and voting rights of all shareholders, partners, officers, members and principals thereof, must belong to persons who are certified public accountants in any state . ~~{or registered public accountants in this State.}~~ Each shareholder, partner, officer, member or principal whose principal place of business is in this State and who performs professional services in this State must be {:

~~—(a) If the corporation, partnership or limited-liability company registered with the Board is a corporation, partnership or limited-liability company of certified public accountants,} a certified public accountant in this State in good standing . {; and~~

~~—(b) If the corporation, partnership or limited-liability company registered with the Board is a corporation, partnership or limited-liability company of public accountants, a certified public accountant or registered public accountant in this State in good standing.}~~

5. A corporation, partnership or limited-liability company organized for the practice of public accounting in this State may have as a shareholder, partner, officer, member or principal any natural person who is not a certified public accountant in any state ~~{or a registered public accountant in this State}~~ if:

(a) The natural person is actively engaged in the business of the corporation, partnership or limited-liability company, or any affiliate thereof; and

(b) The corporation, partnership or limited-liability company complies with any other requirements that the Board by regulation may impose.

Sec. 14.2. ~~[NRS 628.335 is hereby amended to read as follows:~~

~~—628.335 1. The Board shall grant or renew registration to a partnership, corporation, limited-liability company or sole proprietorship that demonstrates its qualifications therefor in accordance with this chapter.~~

~~— 2. A partnership, corporation or limited liability company with an office in this State shall register with the Board if the partnership, corporation or limited liability company:~~

- ~~— (a) Performs attest services;~~
- ~~— (b) Performs compilation services;~~
- ~~— (c) Is engaged in the practice of public accounting; or~~
- ~~— (d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."~~

~~— 3. A partnership, corporation, limited liability company or sole proprietorship that does not have an office in this State:~~

~~— (a) Shall register with the Board if the partnership, corporation, limited liability company or sole proprietorship performs attest services for a client having his or her home office in this State;~~

~~— (b) May] may practice public accounting, may perform compilation services or other professional services within the practice of public accounting [other than] , including, without limitation, attest services , for a client having his or her home office in this State, may be styled and known as a certified public accountant and may use the title or designation "certified public accountant" and the abbreviation "C.P.A." without registering with the Board only if:~~

~~— [(1)] (a) Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited liability company or sole proprietorship;~~

~~— [(2)] (b) The partnership, corporation, limited liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;~~

~~— [(3)] (c) A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office in this State; and~~

~~— [(4)] (d) The partnership, corporation, limited liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in [subparagraph (3)] paragraph (c) has his or her principal place of business.~~

~~— 4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:~~

~~— (a) Which a partnership, corporation, limited liability company or sole proprietorship is required to register pursuant to this section or is exempt from registration pursuant to subsection [2 or] 3; or~~

~~— (b) A partnership, corporation or limited liability company registered pursuant to the provisions of NRS 628.325.] (Deleted by amendment.)~~

Sec. 14.4. [NRS 628.340 is hereby amended to read as follows:

~~— 628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335 must meet the following requirements:~~

~~— (a) At least one general partner must be either a certified public accountant of this State in good standing or, if the partnership [is required to register] performs attest services and is exempt from registration pursuant to [paragraph (a) of] subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~— (b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of professional accounting in this State, must be a certified public accountant of this State in good standing.~~

~~— (c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be either a certified public accountant of this State in good standing or, if the partnership [is required to register] performs attest services and is exempt from registration pursuant to [paragraph (a) of] subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~—(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.~~

~~—(e) Each manager in charge of an office of the partnership in this State must be either a certified public accountant of this State in good standing or a natural person granted practice privileges pursuant to NRS 628.315.~~

~~—(f) A corporation or limited liability company which is registered pursuant to NRS 628.343 or 628.345 or which is exempt from registration pursuant to subsection 3 of NRS 628.335 may be a partner, and a partnership which is registered pursuant to this section or which is exempt from registration pursuant to subsection 3 of NRS 628.335 may be a general partner, in a partnership engaged in the practice of public accounting.~~

~~—2. Application for registration must be made upon the affidavit of [either] a general partner who holds a live permit to practice in this State as a certified public accountant, [or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.] The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.] (Deleted by amendment.)~~

Sec. 14.6. [NRS 628.343 is hereby amended to read as follows:

~~—628.343 1. A corporation required to register with the Board pursuant to NRS 628.335 or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335 shall comply with the following requirements:~~

~~—(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.~~

~~—(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of some state in good standing.~~

~~—(c) At least one shareholder of the corporation must be either a certified public accountant of this State in good standing or, if the corporation [is required to register] performs attest services and is exempt from registration pursuant to [paragraph (a) of] subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~—(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the corporation [is required to register] performs attest services and is exempt from registration pursuant to [paragraph (a) of] subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~—(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.~~

~~—(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.~~

~~—2. Application for registration must be made upon the affidavit of [either] a shareholder who holds a live permit to practice in this State as a certified public accountant, [or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.] The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection~~

with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.] (Deleted by amendment.)

Sec. 14.8. [NRS 628.345 is hereby amended to read as follows:

~~628.345 1. A limited-liability company required to register with the Board pursuant to NRS 628.335 or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335 shall comply with the following requirements:~~

~~— (a) The sole purpose and business of the limited-liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited-liability company may invest its money in a manner not incompatible with the practice of public accounting;~~

~~— (b) The manager, if any, of the limited-liability company must be a certified public accountant of some state in good standing;~~

~~— (c) At least one member of the limited-liability company must be either a certified public accountant of this State in good standing or, if the limited-liability company [is required to register] performs attest services and is exempt from registration pursuant to [paragraph (a) of] subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315;~~

~~— (d) Each person in charge of an office of the limited-liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the limited-liability company [is required to register] performs attest services and is exempt from registration pursuant to [paragraph (a) of] subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315;~~

~~— (e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited-liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member;~~

~~— (f) The limited-liability company shall comply with other regulations pertaining to limited-liability companies practicing public accounting in this State adopted by the Board.~~

~~2. Application for registration must be made upon the affidavit of the manager or a member of the limited-liability company. The affiant must hold a live permit to practice in this State as a certified public accountant. [or, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, be a natural person granted practice privileges pursuant to NRS 628.315.] The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.] (Deleted by amendment.)~~

Sec. 15. NRS 628.370 is hereby amended to read as follows:

628.370 1. Each office established or maintained in this State for the practice of public accounting in this State by a certified public accountant or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or by a registered public accountant or a partnership, corporation or limited-liability company composed of registered public accountants,]~~ must be registered annually under this chapter with the Board. The Board may charge a fee for the registration of an office in an amount set by regulation.

2. The Board shall by regulation prescribe the procedure to be followed in registering offices.

Sec. 16. NRS 628.375 is hereby amended to read as follows:

628.375 1. Before a certified public accountant ~~[, a registered public accountant]~~ or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or registered public accountants]~~ with an office in this State engages in the practice of public accounting in this State under a fictitious name, the person or entity must register the fictitious name with the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that prescribe:

- (a) The procedure for registering a fictitious name with the Board; and
- (b) The fee for registering a fictitious name with the Board.

Sec. 17. NRS 628.380 is hereby amended to read as follows:

628.380 1. Permits to engage in the practice of public accounting in this State must be issued by the Board to holders of the certificate of certified public accountant issued under NRS 628.190 to 628.310, inclusive, ~~and to registered public accountants registered or licensed pursuant to NRS 628.350,~~ if all offices of the holder of a certificate ~~for registrant~~ are maintained and registered as required under NRS 628.370, and if the holder of a certificate ~~for registrant~~ has complied with the continuing education requirements provided in this chapter and in the Board's regulations.

2. All permits expire on December 31 of each year and may be renewed annually for a period of 1 year by holders of certificates ~~and registrants~~ in good standing upon payment of an annual renewal fee set by the Board by regulation.

3. Failure of a holder of a certificate ~~for registrant~~ to apply for an annual permit to practice deprives him or her of the right to a permit, unless the Board, in its discretion, determines that the failure was caused by excusable neglect.

4. The Board shall adopt a regulation specifying the fee for the renewal of a permit after January 31 of each year.

5. The Board may provide by regulation for the placing of certificates ~~and registrations~~ on a retired or inactive status. The regulation may provide for a procedure for applying for retired or inactive status and for applying to return to active status, and must specify fees, if any, to accompany the applications.

Sec. 18. NRS 628.385 is hereby amended to read as follows:

628.385 The Legislature finds that:

1. The explosion of knowledge and the increasing complexity of practice make it essential that certified public accountants ~~and public accountants~~ continue to develop their competence and maintain the general quality of the practice of their profession.

2. The public interest requires that certified public accountants ~~and registered public accountants~~ provide competent service in all areas of their practice.

3. Formal programs of continuing education provide certified public accountants ~~and public accountants~~ with the opportunity to maintain the general quality of the practice of their profession.

4. It is in the public interest to require that certified public accountants ~~and registered public accountants~~ who have certificates ~~and who have been registered, respectively,~~ under the provisions of this chapter comply with requirements for continuing education adopted by the Board as a prerequisite to the issuance or renewal of permits to engage in the practice of public accounting pursuant to NRS 628.380.

Sec. 19. NRS 628.386 is hereby amended to read as follows:

628.386 1. The Board may by regulation prescribe, amend or repeal rules, including, but not limited to:

- (a) A definition of basic requirements for continuing education;
- (b) A delineation of qualifying programs;
- (c) A system of control and reporting; and
- (d) A program to ensure that licensees are maintaining the standards of the profession.

2. In exercising its power under this section, the Board shall establish standards which will assure reasonable currency of knowledge as a basis for a high standard of practice by certified public accountants . ~~and registered public accountants.~~ The standards must be established in a manner to assure that a variety of alternatives are available to certificate holders ~~and registrants~~ to comply with the requirements of continuing education for renewal of permits and must take cognizance of specialized areas of practice.

Sec. 20. NRS 628.387 is hereby amended to read as follows:

628.387 The Board may, in accordance with the intent of this chapter, make exceptions from continuing education requirements for certificate holders ~~for registrants~~ not engaged in public practice, or for reasons of health, military service or other good cause, except that if such certificate holder ~~for registrant~~ returns to the practice of public accounting he or she shall meet such continuing education requirements as the Board may determine.

Sec. 21. NRS 628.388 is hereby amended to read as follows:

628.388 The Board may appoint a Committee on Continuing Education consisting of certified public accountants ~~and registered public accountants~~ in active practice and holding live permits. Upon assignment and as directed by the Board, the Committee shall assist the Board in the administration of the provisions of this chapter for continuing education.

Sec. 22. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 or 628.335 ~~[-any registration or license granted to a registered public accountant under NRS 628.350,]~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, ~~license~~ *certificate* or registration or any natural person granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant ~~[-or in obtaining registration or a license as a public accountant under this chapter]~~ or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified ~~or registered~~ public accountant or a natural person granted practice privileges pursuant to NRS 628.315.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.

(f) Conviction of any crime:

(1) An element of which is dishonesty or fraud; or

(2) Involving moral turpitude,

↪ under the laws of any state or jurisdiction.

(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant ~~or a registered public accountant~~ by any other state, for any cause other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.

(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate ; ~~for registrant;~~ or

(2) Sixty days after the date upon which the holder of a certificate ~~for registrant~~ was granted the certificate , ~~for registration,~~ if no permit was ever issued to the person, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate ~~[-registration]~~ or permit of another person.

(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than \$5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit ~~[-license,] or certificate for registration~~ or any natural person granted practice privileges pursuant to NRS 628.315.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 23. NRS 628.393 is hereby amended to read as follows:

628.393 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 certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~{a registration or license granted to a registered public accountant pursuant to NRS 628.350}~~ or a permit issued pursuant to NRS 628.380, the Board shall deem the certificate ~~[-registration, license]~~ or permit 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 certificate ~~[-registration, license]~~ or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate ~~[-registration, license]~~ or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~{a registration or license granted to a registered public accountant pursuant to NRS 628.350}~~ or a permit issued pursuant to NRS 628.380 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 certificate ~~[-registration, license]~~ or permit was suspended stating that the person whose certificate ~~[-registration, license]~~ or permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 628.395 is hereby amended to read as follows:

628.395 In addition to any penalty which it may assess pursuant to NRS 628.390, the Board may suspend any of the provisions of an order issued pursuant to that section and place the certified ~~for registered~~ public accountant on probation, subject to limitations and conditions specified by the Board, which may include requirements for continuing education or for a review of the accountant's practice, either periodically or continuously.

Sec. 25. NRS 628.400 is hereby amended to read as follows:

628.400 1. After giving notice and conducting a hearing, the Board shall revoke the registration of a partnership, corporation or limited-liability company if at any time it does not have all the qualifications prescribed by the section of this chapter under which it qualified for registration.

2. After giving notice and conducting a hearing, the Board may revoke or suspend the registration of a partnership, corporation or limited-liability company, or may censure the partnership, corporation or limited-liability company, or impose a sanction authorized by NRS 628.390 ~~[-] or 628.395~~, for any of the causes enumerated in subsection 1 of NRS 628.390, or for one or both of the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner or shareholder who is personally engaged in the practice of public accounting in this State, whether or not he or she holds a live permit in this State.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership, corporation or limited-liability company, or any partner, shareholder or member thereof to practice public accounting in any other state for any cause other than failure to pay an annual registration fee or comply with a requirement for continuing education or practice review in the other state.

Sec. 26. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

- (a) On its own motion;
- (b) On the complaint of any person; or
- (c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant ~~for registered public accountant~~ of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

↳ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board.

9. The decision of the Board must be by majority vote thereof.

Sec. 27. NRS 628.415 is hereby amended to read as follows:

628.415 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 628.140 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a civil penalty, costs and attorney's fees is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place a certified ~~for registered~~ public accountant on probation or revoke or suspend a certificate ~~or~~ permit ~~registration or license~~ may appeal that decision to the Board.

Sec. 28. NRS 628.418 is hereby amended to read as follows:

628.418 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, 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 are confidential ~~and privileged~~.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. *The provisions of this section do not prohibit the Board or an employee of the Board from cooperating with another licensing board or any other agency that is investigating a*

person who holds a certificate or a permit issued pursuant to NRS 628.380 or a partnership, corporation, limited-liability company or sole proprietorship that is registered with the Board pursuant to NRS 628.335, by providing documents or other information relating to a complaint.

Sec. 29. NRS 628.420 is hereby amended to read as follows:

628.420 Upon application in writing and after a hearing, the Board may:

1. Issue a new certificate to a certified public accountant whose certificate has been revoked;

2. ~~{Permit the reregistration of a public accountant whose registration has been revoked;~~

~~—3.} Reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended, unless the permit was suspended pursuant to NRS 425.540; or~~

~~{4.} 3. Modify any action taken against any person or any order which it has issued pursuant to NRS 628.390.~~

Sec. 30. NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant ~~{, a registered public accountant}~~ or a natural person granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant ~~{, a registered public accountant}~~ or a natural person granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

Sec. 31. NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~{any registration or license granted to a registered public accountant pursuant to NRS 628.350}~~ or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person granted practice privileges pursuant to NRS 628.315.

Sec. 31.5. ~~{NRS 628.435 is hereby amended to read as follows:~~

~~—628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.~~

~~—2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a~~

~~practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.~~

~~3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.~~

~~4. As used in this section:~~

~~(a) "Documentation related to an attestation" includes, without limitation:~~

~~(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and~~

~~(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.~~

~~(b) "Practitioner" means:~~

~~(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;~~

~~(2) A partnership, corporation, limited liability company or sole proprietorship registered pursuant to NRS 628.335 [;] or which is performing attest services while exempt from registration pursuant to subsection 3 of NRS 628.335; or~~

~~(3) A natural person granted practice privileges pursuant to NRS 628.315.] (Deleted by amendment.)~~

Sec. 32. NRS 628.440 is hereby amended to read as follows:

628.440 This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant ~~for registered public accountant~~ who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants ~~for registered public accountants registered pursuant to NRS 628.360, 628.363 or 628.365~~ if the employee or assistant does not issue any accounting or financial statement over his or her name.

Sec. 33. NRS 628.470 is hereby amended to read as follows:

628.470 A natural person shall not assume or use the title or designation "public ~~accountant,~~" "registered public" accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that he or she is a public accountant unless the person:

1. ~~{Is a registered public accountant, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370;~~

~~2.} Has received a certificate as a certified public accountant under NRS 628.190 to 628.310, inclusive, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or~~

~~{3.} 2. Is a natural person granted practice privileges pursuant to NRS 628.315.~~

Sec. 34. NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of ~~{registered public accountants or as a partnership, corporation, limited liability company or sole proprietorship of}~~ certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 35. NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation, limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 ~~[- 628.360, 628.363 or 628.365]~~ and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370;

(b) The person is a natural person granted practice privileges pursuant to NRS 628.315; or

(c) The partnership, corporation, limited-liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

Sec. 36. NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 ~~[- 628.360, 628.363 or 628.365]~~ and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 37. NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an "accountant" or "auditor" by use of either or both of those words ~~[- or by use of the word "accounting,"]~~ in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 ~~[- 628.360, 628.363 or 628.365]~~ or is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

Sec. 38. NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335 ; ~~[- 628.360, 628.363 or 628.365;]~~ or

(b) Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

~~{↪ A sole proprietor or partnership lawfully using a title or designation in conjunction with any names or designation on April 1, 1960, may continue to do so if the sole proprietor or partnership otherwise complies with the provisions of this chapter.}~~

2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

(a) The legal form of the firm;

(b) The persons who are partners, officers, shareholders or members; or

(c) Any other matter.

↪ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

Sec. 39. NRS 628.570 is hereby amended to read as follows:

628.570 Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of NRS 628.435 or 628.450 to 628.550, inclusive, the Board may *issue and serve on the person an order to cease and desist* or make application to an appropriate court for an order enjoining the acts or practices, and upon a showing by the Board that the person has engaged, or is about to engage, in any of those acts or practices, an injunction, restraining order or such order as may be appropriate must be granted by the court without a bond.

Sec. 40. NRS 628.580 is hereby amended to read as follows:

628.580 1. Any person who violates any provision of NRS 628.435 or 628.450 to 628.550, inclusive, is guilty of a *gross* misdemeanor.

2. Whenever the Board has reason to believe that any person is liable to punishment under this section , it may certify the facts to the Attorney General or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 41. NRS 628A.010 is hereby amended to read as follows:

628A.010 As used in this chapter, unless the context otherwise requires:

1. "Client" means a person who receives advice from a financial planner.

2. "Compensation" means a fee for services provided by a financial planner to a client or a commission or other remuneration derived by a financial planner from a person other than the client as the result of the purchase of a good or service by the client.

3. "Financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant ~~for a public accountant licensed~~ who holds a certificate issued pursuant to NRS 628.190 to 628.310, inclusive ; ~~[- or 628.350;]~~

(c) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320;

(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or

(e) A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS,

➤ whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

Sec. 41.1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the physician is temporarily exempt from licensure and may practice medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the physician is temporarily exempt from licensure and may practice medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physician who is practicing medicine under an exemption described in this section shall not:

(a) Practice medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.2. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Physicians who are temporarily exempt from licensure pursuant to section 41.1 of this act and are practicing medicine within the scope of the exemption;

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

~~[(e)]~~ (f) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

~~[(e)]~~ (g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

~~[(g)]~~ (h) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

~~[(h)]~~ (i) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

~~[(i)]~~ (j) The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient; and

~~[(j)]~~ (k) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 41.25. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an osteopathic physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An osteopathic physician who is practicing osteopathic medicine under an exemption described in this section shall not:

(a) Practice osteopathic medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice osteopathic medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.3. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to section 41.25 of this act and are practicing osteopathic medicine within the scope of the exemption.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 41.35. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a chiropractor, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A chiropractic physician who is practicing chiropractic under an exemption described in this section shall not:

(a) Practice chiropractic at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice chiropractic under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.4. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

- (a) Presents to the Board as his or her own the diploma, license or credentials of another;
- (b) Gives false or forged evidence of any kind to the Board; or
- (c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

↪ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, and section 41.35 of this act, a person who does not hold a license issued pursuant to this chapter and:

- (a) Practices chiropractic in this State;
- (b) Holds himself or herself out as a chiropractor;
- (c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or
- (d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate 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.

(b) 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.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 41.5. Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a doctor of Oriental medicine, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A doctor of Oriental medicine who is practicing Oriental medicine under an exemption described in this section shall not:

(a) Practice Oriental medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice Oriental medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.6. NRS 634A.025 is hereby amended to read as follows:

634A.025 1. This chapter does not apply to Oriental physicians who are ~~called~~ :

(a) Called into this State for consultation ~~to~~ ; or

(b) Temporarily exempt from licensure pursuant to section 41.5 of this act and are practicing Oriental medicine within the scope of the exemption.

2. This chapter does not apply to a practitioner of acupuncture:

(a) Who is employed by an accredited school of Oriental medicine located in this State;

(b) Who is licensed to practice acupuncture in another state or jurisdiction; and

(c) Whose practice of acupuncture in this State:

(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and

(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. This chapter does not prohibit:

(a) Gratuitous services of druggists or other persons in cases of emergency.

(b) The domestic administration of family remedies.

(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

4. For the purposes of this section, "accredited school of Oriental medicine" means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.

Sec. 41.65. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physical therapist, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physical therapist who is practicing physical therapy under an exemption described in this section shall not:

(a) Practice physical therapy at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice physical therapy under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.7. NRS 640.029 is hereby amended to read as follows:

640.029 This chapter does not apply to ~~an~~ :

1. An occupational therapist, occupational therapy assistant or athletic trainer who:

~~1.1~~ (a) Is licensed to practice in this state;

~~1.2~~ (b) Practices within the scope of that license; and

~~1.3~~ (c) Does not represent that he or she is a physical therapist or physical therapist's assistant, or that he or she practices physical therapy ~~1.1~~; or

2. A physical therapist who is temporarily exempt from licensure pursuant to section 41.65 of this act and is practicing physical therapy within the scope of the exemption.

Sec. 41.8. Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an athletic trainer, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An athletic trainer who is practicing athletic training under an exemption described in this section shall not:

(a) Practice athletic training at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice athletic training under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.9. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is ~~employed as an~~ temporarily exempt from licensure pursuant to section 41.8 of this act and is practicing athletic training outside this State when engaging in the practice of athletic training within the scope of that employment in connection with an athletic event held in this State. ~~the exemption.~~

Sec. 42. NRS 172.205 is hereby amended to read as follows:

172.205 The grand jury shall have the power, with the consent of the board of county commissioners, to engage the services of an attorney other than and in addition to the district

attorney, certified ~~for registered~~ public accountants, and such other skilled persons as may be necessary in the performance of its inquisitorial powers.

Sec. 43. NRS 361.375 is hereby amended to read as follows:

361.375 1. The State Board of Equalization, consisting of five members appointed by the Governor, is hereby created. The Governor shall designate one of the members to serve as Chair of the Board.

2. The Governor shall appoint:

(a) One member who is a certified public accountant . ~~for a registered public accountant.~~

(b) One member who is a property appraiser with a professional designation.

(c) One member who is versed in the valuation of centrally assessed properties.

(d) Two members who are versed in business generally.

3. Only three of the members may be of the same political party and no more than two may be from the same county.

4. An elected public officer or his or her deputy, employee or any person appointed by him or her to serve in another position must not be appointed to serve as a member of the State Board of Equalization.

5. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms. No member may serve more than two full terms consecutively.

6. Any member of the State Board of Equalization may be removed by the Governor if, in the opinion of the Governor, that member is guilty of malfeasance in office or neglect of duty.

7. Each member of the State Board of Equalization is entitled to receive a salary of not more than \$80, as fixed by the Board, for each day actually employed on the work of the Board.

8. While engaged in the business of the State Board of Equalization, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A majority of the members of the State Board of Equalization constitutes a quorum, and a majority of the Board shall determine the action of the Board. The Board may adopt regulations governing the conduct of its business.

10. The State Board of Equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The staff of the State Board of Equalization must be provided by the Department and the Executive Director is the Secretary of the Board.

Sec. 44. NRS 678.390 is hereby amended to read as follows:

678.390 1. The board may appoint an audit committee to make an annual audit of the financial records of the credit union and any interim audits as may be deemed necessary by the board or as may be directed by the Commissioner. A copy of the report must be submitted to the board and the Commissioner and a summary presented to the members at the next annual meeting.

2. The audit committee may by unanimous vote suspend any director, officer or member of the credit union following an audit, for any violation of this chapter, the charter or bylaws or for any other practice which the audit committee deems to be unsafe or unauthorized. In such cases, the audit committee shall call a special meeting of the members not less than 7 nor more than 21 days following the suspension and the suspension must be ratified or overturned by the members.

3. Any member of the audit committee may be suspended by the board for the same reasons and in the same manner as provided in subsection 2.

4. The audit committee may by a majority vote call a special meeting of the members to consider any violation of this chapter, the charter or bylaws or any practice of the credit union deemed by the audit committee to be unsafe or unauthorized.

5. The board of directors or the audit committee may employ the services of a certified public accountant ~~for a registered public accountant~~ to complete the necessary audit of the records of the credit union.

Sec. 45. NRS 628.029, 628.350, 628.360, 628.363 and 628.365 are hereby repealed.

Sec. 46. 1. This section and sections 1 to 13, inclusive, 14, 15 to 31, inclusive, and 32 to 45, inclusive, of this act become effective upon passage and approval.

2. Sections 41.1 to 41.9, 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.

3. Sections 13.5, 14.2 to 14.8, inclusive, and 31.5 of this act become effective on January 1, 2019.

LEADLINES OF REPEALED SECTIONS

628.029 "Registered public accountant" defined.

628.350 Requirements for issuance of license as public accountant.

628.360 Requirements for registration as partnership of public accountants.

628.363 Requirements for registration as corporation of public accountants.

628.365 Requirements for registration as limited-liability company of public accountants.

NICOLE J. CANNIZZARO

TERESA BENITEZ-THOMPSON

PAT SPEARMAN

NELSON ARAUJO

JOSEPH P. HARDY

MELISSA WOODBURY

Senate Conference Committee

Assembly Conference Committee

Senator Cannizzaro moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 454.

Remarks by Senator Cannizzaro.

This amendment removes Amendment No. 697 which would have eliminated the requirement that an accounting firm that provides attest services but does not have an office in this State must register with the Nevada State Board of Accountancy provided that such an accounting firm may perform attest services under the same conditions as it practices and performs non-attest services.

It also adds the provisions of Senate Bill No. 292, in its first reprint, which provides for temporary exemption from licensure for a physician, osteopathic physician, chiropractic physician, doctor of oriental medicine, physical therapist or athletic trainer who holds a valid and unrestricted license to practice in another jurisdiction and is practicing his or her profession for certain purposes related to an athletic competition or training. A professional who is practicing under such an exemption is prohibited from practicing medicine in a medical facility; providing services to persons outside the scope of this exemption, or practicing his or her profession for more than 60 days in a calendar year.

Motion carried by a constitutional majority.

APPOINTMENT FROM CONFERENCE COMMITTEES

President Hutchison appointed Senators Atkinson, Cannizzaro and Settlemeyer as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 209.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 9:35 p.m.

SENATE IN SESSION

At 10:31 p.m.

President Hutchison presiding.

Quorum present.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 49.

The following Assembly amendment was read:

Amendment No. 1162.

SUMMARY—Revises provisions relating to funding for pupils with disabilities. (BDR 34-405)

AN ACT relating to education; requiring an additional apportionment of money from the State Distributive School Account in the State General Fund to certain school districts and charter schools for pupils with disabilities; revising provisions governing the reimbursement of certain hospitals and other facilities for educational services provided to certain children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a basic support guarantee to be provided for each pupil who attends public school in this State. The money is paid from the State Distributive School Account in the State General Fund. The amount of the basic support guarantee is established for each school district for each school year according to a formula. Existing law further provides for a statewide multiplier to be applied for pupils with disabilities so that additional funding is provided for such pupils from the Account. However, that additional funding is limited to not more than 13 percent of the total pupil enrollment in the school district or charter school, except in limited circumstances. (NRS 387.122) If a school district or charter school has reported an enrollment of pupils with disabilities exceeding 13 percent of total pupil enrollment, section 1 of this bill generally requires that an additional apportionment be made from the Account to the school district or charter school, for each such pupil in an amount equal to one-half of the statewide multiplier then in effect for pupils with disabilities.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school are authorized to request reimbursement from the Department of Education for the cost of providing educational services to a child who is verified to be a patient of the hospital or facility and attends the private school for more than 7 school days. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the basic support guarantee per pupil and withhold that amount from the school district or charter school where the child would attend school if the child were not in the hospital or facility. (NRS 387.1225) If such a child is a pupil with a disability, section 1.2 of this bill provides that the hospital or facility is also entitled to a corresponding percentage of the statewide multiplier included in the basic support guarantee per pupil. ~~[and any other money that would otherwise be apportioned for the child to the school district or charter school.]~~

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

Section 1. NRS 387.122 is hereby amended to read as follows:

387.122 1. For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this

title, the basic support guarantee per pupil for each school district is established by law for each school year. The formula for calculating the basic support guarantee may be expressed as an estimated weighted average per pupil, based on the total expenditures for public education in the immediately preceding even-numbered fiscal year, plus any legislative appropriations for the immediately succeeding biennium, minus those local funds not guaranteed by the State pursuant to NRS 387.163.

2. The estimated weighted average per pupil for the State must be calculated as a basic support guarantee for each school district through an equity allocation model that incorporates:

- (a) Factors relating to wealth in the school district;
- (b) Salary costs;
- (c) Transportation; and
- (d) Any other factor determined by the Superintendent of Public Instruction after consultation with the school districts and the State Public Charter School Authority.

3. The basic support guarantee per pupil must include a *statewide* multiplier for pupils with disabilities. Except as otherwise provided in this ~~[subsection.]~~ *section*, the funding provided to each school district and charter school through the multiplier for pupils with disabilities is limited to the actual number of pupils with disabilities enrolled in the school district or charter school, not to exceed 13 percent of total pupil enrollment for the school district or charter school. ~~[[H]]~~

4. *Except as otherwise provided in this subsection, if a school district or charter school has reported an enrollment of pupils with disabilities equal to more than 13 percent of total pupil enrollment, the school district or charter school must receive , for each such additional pupil, an amount of money [necessary to satisfy the requirements for maintenance of effort under federal law.*

~~—4.]~~ *equal to one-half of the statewide multiplier then in effect for pupils with disabilities. An apportionment made to a school district or charter school pursuant to this subsection is subject to change from year to year in accordance with the number of pupils with disabilities enrolled in the school district or charter school. If the money available for apportionment pursuant to this subsection is insufficient to make the apportionment otherwise required by this subsection, the Superintendent of Public Instruction shall proportionately reduce the amount so apportioned to each school district and charter school. The Department shall account separately for any money apportioned pursuant to this subsection.*

5. Not later than July 1 of each even-numbered year, the Superintendent of Public Instruction shall review and, if necessary, revise the factors used for the equity allocation model adopted for the previous biennium and present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the Superintendent of Public Instruction shall consider any

recommendations of the Legislative Committee on Education, determine whether to include those recommendations in the equity allocation model and adopt the model. The Superintendent of Public Instruction shall submit the equity allocation model to the:

(a) Governor for inclusion in the proposed executive budget.

(b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

~~{5.}~~ 6. The Department shall make available updated information regarding the equity allocation model on the Internet website maintained by the Department.

Sec. 1.2. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the Department for the cost of providing educational services to a child who:

(a) The Department verifies is a patient or resident of the hospital or facility; and

(b) Attends the private school for more than 7 school days.

2. Upon receiving a request for reimbursement, the Department shall determine the amount of reimbursement to which the hospital or facility is entitled as a percentage of the basic support guarantee per pupil and withhold that amount from the ~~{county}~~ school district or charter school where the child would attend school if the child were not placed in the hospital or facility. *If the child is a pupil with a disability, the hospital or facility is also entitled to a corresponding percentage of the statewide multiplier included in the basic support guarantee per pupil pursuant to NRS 387.122 . ~~and any other money that would otherwise be apportioned for the child to the school district or charter school.~~* The Department shall distribute the money withheld from the ~~{county}~~ school district or charter school to the hospital or facility.

3. *For the purposes of subsection 2, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or facility and attends the private school, ~~including~~ excluding the 7 school days prescribed in paragraph (b) of subsection 1, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.*

4. The Department shall adopt any regulations necessary to carry out the provisions of this section.

~~{4.}~~ 5. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 1.5. NRS 388.429 is hereby amended to read as follows:

388.429 1. The Legislature declares that funding provided for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities residing in Nevada through the use of the *statewide* multiplier to the basic support guarantee prescribed by NRS 387.122.

2. Subject to the provisions of NRS 388.417 to 388.469, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities.

3. The board of trustees of a school district in a county whose population is less than 700,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.

4. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.417 to 388.469, inclusive. The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school. The criteria are subject to such standards as may be prescribed by the State Board.

Sec. 2. This act becomes effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1162 to Senate Bill No. 49.

Remarks by Senator Kieckhefer.

This bill addresses a glaring error in our funding system for education that has neglected certain students with disabilities. This will ensure they get the services they deserve. I would like to thank the chairs of the Committee on Finance and the Committee on Education for their work on this bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 235.

The following Assembly amendments were read:

Amendment No. 1149.

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 of tickets to an athletic contest or live entertainment event;~~ prohibiting the use of an Internet robot for certain purposes relating to ticket sales; ~~limiting local governments and political subdivisions from certain regulation of ticket sales;~~ providing 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.

~~[Section 13 of this bill specifies which type of resellers are subject to the provisions of this bill.]~~ Section 14 of this bill ~~[requires a reseller who sells tickets to an athletic contest or live entertainment event on an Internet website to 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, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange from: (1) 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; or (2) creating an Internet website that is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission.

Section 15 of this bill ~~[requires a reseller to make certain disclosures to a ticket purchaser before completing the resale, including: (1) the 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 reseller to only resell tickets at his or her registered office, established place of business or Internet website and prohibits a reseller from reselling tickets to an athletic contest or live entertainment event before the date for such contest or event has been officially announced, except in certain circumstances. 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, except in certain circumstances. Section 15 also places various other restrictions on the sale of tickets by a reseller. Section 15.5 of this bill prohibits a local government or political subdivision from further regulating~~

~~the sale of tickets, except that a local government or political subdivision may require licensure, collect fees, limit the location of sales and provide for private enforcement.] prohibits a reseller from: (1) reselling or offering for sale more than one copy of the same ticket to an athletic contest or live entertainment event; or (2) employing another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice.~~

Section 6.5 of this bill defines "Internet robot" as a software application that attempts to complete 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]~~ 16.5 of this bill authorizes a person injured by ~~[the use of an Internet robot in]~~ a violation of ~~[these]~~ any of the provisions of this bill 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: (1) resells tickets which were obtained for personal use; or (2) is authorized to do so pursuant to section 5 of this bill.]~~ 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 of this bill provides an enhanced penalty for the sale of a ticket in willful and knowing 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 in this State involving the athletic or physical~~

~~skills of an amateur athlete, intercollegiate athlete or professional athlete or a person employed by such a group.] (Deleted by amendment.)~~

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. The term does not include a person whose initial purchase of a ticket was completed through the use of an Internet robot.] (Deleted by amendment.)~~

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 in this State and for which a ticket is required for admission.

Sec. 6.5. "Internet robot" means a software application that attempts to complete or completes an automated transaction on an Internet website.

Sec. 7. (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 which occurs after the initial purchase of the ticket. 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 resells a ticket.

Sec. 11. "Ticket" means a certificate, document, token, voucher or other evidence, whether physical or electronic, which 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. (Deleted by amendment.)

Sec. 13. ~~[The provisions of sections 3 to 18, inclusive, of this act do not apply to:~~

~~1. 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.~~

~~2. An authorized person.~~

~~3. A reseller who has actual possession of a ticket which is immediately available for delivery to the purchaser.~~

~~4. A labor organization as defined in NRS 613.230.~~

~~5. A nonprofit organization created for religious, charitable or educational purposes that meets the requirements set forth in NRS 372.3261.~~ (Deleted by amendment.)

Sec. 14. 1. ~~[A reseller who is not an authorized person and 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 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.~~

~~2.]~~ The Internet website of a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange 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.]~~ 2. The Internet website of a reseller, ~~including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis,~~ a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange must not use any combination of text, images, web designs or Internet addresses, or any combination thereof, which is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission. ~~unless the reseller is an authorized person.~~

~~4.]~~ 3. As used in this section:

(a) "Substantially similar" means that a reasonable person would believe that the Internet website is that of the entertainment facility, athletic contest or live entertainment event.

(b) "URL" means the Uniform Resource Locator associated with an Internet website.

Sec. 15. ~~[1. A reseller shall:~~

~~(a) Post in a clear and conspicuous manner, at the registered office and established place of business of the reseller and on any Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis, 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 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 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 reseller or on an Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis.~~

~~—2.} A reseller shall not:~~

~~{(a) Except as otherwise provided in subsection 5, advertise for sale tickets to an athletic contest or live entertainment event until the date for the athletic contest or live entertainment event has been officially announced.~~

~~—(b) Accept any type of consideration for the sale of a ticket unless the ticket has been issued by a person authorized to issue tickets to the athletic contest or live entertainment event.~~

~~—(c)} 1. Resell or offer for sale more than one copy of the same ticket to an athletic contest or live entertainment event.~~

~~{(d) Offer for sale any counterfeit ticket to an athletic contest or live entertainment event.~~

~~—(e)} 2. Employ another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice.~~

~~{ 3. Except as otherwise provided in subsection 4, a reseller shall not accept consideration for the sale of a ticket or accept a deposit for a ticket for which the reseller does not have possession unless:~~

~~—(a) The reseller has an agreement to purchase the ticket for an established price from another person who has possession of the ticket; and~~

~~—(b) The person to whom the reseller agrees to sell the ticket or from whom the reseller accepts a deposit will have the right to a refund if the reseller is not able to obtain or deliver the ticket.~~

~~—4. If an athletic contest or live entertainment event is scheduled to take place within 14 days, the reseller may accept consideration for the sale of a ticket or a deposit for a ticket for which the reseller does not have possession if the reseller clearly discloses to the purchaser before entering into an agreement or accepting consideration that the reseller does not have possession of the ticket and the person is entitled to a refund if the reseller is not able to obtain and deliver the ticket.~~

~~—5. If a professional or collegiate athletic contest is a part of a playoff or tournament and the entity conducting the playoff or tournament has released a range of dates on which the athletic contest may take place, a reseller may advertise the sale and sell tickets for the athletic contest not more than 21 days before the earliest date on which the athletic contest may take place.~~

~~6. 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 reseller after the conclusion of an athletic contest or a live entertainment event.~~

Sec. 15.5. ~~{1. A local government or political subdivision shall not limit, prohibit or otherwise regulate the sale of tickets if the sale is carried out in compliance with the provisions of sections 14 and 15 of this act.~~

~~2. The provisions of this section do not prohibit a local government or political subdivision from enacting an ordinance to require a reseller to obtain a license and pay applicable fees, determine where tickets may be sold and provide for the right to private enforcement.~~ (Deleted by amendment.)

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

~~{(a)}~~ 1. 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)}~~ 2. 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~~ a person.

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

~~(a) Declaratory and injunctive relief.~~

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

Sec. 16.5. 1. A person injured by a violation of any provision of sections 3 to 18, inclusive, of this act may bring a civil action in a court of competent jurisdiction against a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange who committed the violation to seek:

(a) Declaratory and injunctive relief.

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

2. An action may not be brought pursuant to this section against a natural person employed by a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange.

Sec. 17. Unless a greater penalty is provided in NRS 598.0999 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 willfully and knowingly 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} 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. ~~[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.] (Deleted by amendment.)~~

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~~, *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~~, *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 ~~and~~, *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 ~~and~~ , *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.

Amendment No. 1163.

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 of tickets to an athletic contest or live entertainment event; prohibiting the use of an Internet robot for certain purposes relating to ticket sales; limiting local governments and political subdivisions from certain regulation of ticket sales; providing 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.]~~ Section 17.7 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.

Section 13 of this bill specifies which type of resellers are subject to the provisions of this bill. Section 14 of this bill requires a reseller who sells tickets to an athletic contest or live entertainment event on an Internet website to 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: (1) 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; or (2) creating an Internet website that is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission.

Section 15 of this bill requires a reseller to make certain disclosures to a ticket purchaser before completing the resale, including: (1) the 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 reseller to only resell tickets at his or her registered office, established place of business or Internet website and prohibits a reseller from reselling tickets to an athletic contest or live entertainment event before the date for such contest or event has been officially announced, except in certain circumstances. 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, except in certain circumstances. Section 15 also places various other restrictions on the sale of tickets by a reseller. Section 15.5 of this bill prohibits a local government or political subdivision from further regulating the sale of tickets, except that a local government or political subdivision may require licensure, collect fees, limit the location of sales and provide for private enforcement.

Section 6.5 of this bill defines "Internet robot" as a software application that attempts to complete 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: (1) resells tickets which were obtained for personal use; or (2)

is authorized to do so pursuant to section 5 of this bill. 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 of this bill provides an enhanced penalty for the sale of a ticket in willful and knowing 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 in this State 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. The term does not include a person whose initial purchase of a ticket was completed through the use of an Internet robot.*

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 in this State and for which a ticket is required for admission.*

Sec. 6.5. *"Internet robot" means a software application that attempts to complete or completes an automated transaction on an Internet website.*

Sec. 7. (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 which occurs after the initial purchase of the ticket. 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 resells a ticket.

Sec. 11. "Ticket" means a certificate, document, token, voucher or other evidence, whether physical or electronic, which 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. (Deleted by amendment.)

Sec. 13. The provisions of sections 3 to 18, inclusive, of this act do not apply to:

1. 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.

2. An authorized person.

3. A reseller who has actual possession of a ticket which is immediately available for delivery to the purchaser.

4. A labor organization as defined in NRS 613.230.

5. A nonprofit organization created for religious, charitable or educational purposes that meets the requirements set forth in NRS 372.3261.

Sec. 14. 1. A reseller who is not an authorized person and 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 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.

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. The Internet website of a reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis, must not use any combination of text, images, web designs or Internet addresses, or any combination thereof, which is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission unless the reseller is an authorized person.

4. This section does not prohibit the use of text containing the name of the venue, artist, athletic contest or live entertainment event if such use is

necessary to describe the athletic contest, the live entertainment event or the location of the athletic contest or live entertainment event.

5. As used in this section:

(a) "Substantially similar" means that a reasonable person would believe that the Internet website is that of the entertainment facility, athletic contest or live entertainment event.

(b) "URL" means the Uniform Resource Locator associated with an Internet website.

Sec. 15. 1. A reseller shall:

(a) Post in a clear and conspicuous manner, at the registered office and established place of business of the reseller and on any Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis, 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 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 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 reseller or on an Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis.

2. A reseller shall not:

(a) Except as otherwise provided in subsection 5, advertise for sale tickets to an athletic contest or live entertainment event until the date for the athletic contest or live entertainment event has been officially announced.

(b) Accept any type of consideration for the sale of a ticket unless the ticket has been issued by a person authorized to issue tickets to the athletic contest or live entertainment event.

(c) Resell ~~for offer for sale~~ more than one copy of the same ticket to an athletic contest or live entertainment event.

(d) Offer for sale any counterfeit ticket to an athletic contest or live entertainment event.

(e) Employ another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or

live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice.

3. Except as otherwise provided in subsection 4, a reseller shall not accept consideration for the sale of a ticket or accept a deposit for a ticket for which the reseller does not have possession unless:

(a) The reseller has an agreement to purchase the ticket for an established price from another person who has possession of the ticket; and

(b) The person to whom the reseller agrees to sell the ticket or from whom the reseller accepts a deposit will have the right to a refund if the reseller is not able to obtain or deliver the ticket.

4. If an athletic contest or live entertainment event is scheduled to take place within 14 days, the reseller may accept consideration for the sale of a ticket or a deposit for a ticket for which the reseller does not have possession if the reseller clearly discloses to the purchaser before entering into an agreement or accepting consideration that the reseller does not have possession of the ticket and the person is entitled to a refund if the reseller is not able to obtain and deliver the ticket.

5. If a professional or collegiate athletic contest is a part of a playoff or tournament and the entity conducting the playoff or tournament has released a range of dates on which the athletic contest may take place, a reseller may advertise the sale and sell tickets for the athletic contest not more than 21 days before the earliest date on which the athletic contest may take place.

6. 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 reseller after the conclusion of an athletic contest or a live entertainment event.

Sec. 15.5. 1. A local government or political subdivision shall not limit, prohibit or otherwise regulate the sale of tickets if the sale is carried out in compliance with the provisions of sections 14 and 15 of this act.

2. The provisions of this section do not prohibit a local government or political subdivision from enacting an ordinance to require a reseller to obtain a license and pay applicable fees, determine where tickets may be sold and provide for the right to private enforcement.

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 the appropriate district court against the person who committed the violation to seek:

(a) Declaratory and injunctive relief.

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

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

Sec. 17.5. 1. A person who willfully and knowingly 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. 17.7. 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. 18. ~~[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.]~~ (Deleted by amendment.)

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 ~~{,}~~, *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 ~~{-}~~, *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 Woodhouse moved that the Senate concur in Assembly Amendments Nos. 1149, 1163 to Senate Bill No. 235.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 300.

The following Assembly amendment was read:

Amendment No. 1160.

SUMMARY—Makes an appropriation to the Department of Education for a program of peer assistance and review of teachers. (BDR S-4)

AN ACT making an appropriation to the Department of Education for allocation to ~~[-]~~ ~~certain~~ school districts to carry out a program of peer assistance and review of teachers; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums:

For the Fiscal Year 2017-2018..... \$1,200,000
For the Fiscal Year 2018-2019..... ~~[\$1,200,000]~~ \$1,300,000

2. From the money appropriated by subsection 1, the Department of Education shall transfer to the school districts specified in this subsection for Fiscal Year 2017-2018 and Fiscal Year 2018-2019 the following sums:

School District	2017-2018	2018-2019
Clark County School District	\$1,000,000	\$1,000,000
Washoe County School District	\$200,000	\$200,000
TOTAL:	\$1,200,000	\$1,200,000

3. From the money appropriated by subsection 1, the Department of Education shall allocate, for Fiscal Year 2018-2019, \$100,000 among the school districts other than Clark and Washoe County School Districts upon application of such a school district for a grant of money for the purposes set forth in subsection 4.

4. A school district that receives an allocation pursuant to subsection 2 or 3 shall use the allocation to provide assistance to teachers in meeting the standards for effective teaching, including, without limitation, by:

- (a) Conducting observations and peer assistance and review; and
- (b) Providing information and resources to teachers about strategies for effective teaching.

~~4.~~ 5. The sums allocated by ~~subsection~~ subsections 2 ~~(4)~~ and 3:

(a) Must be accounted for separately from any other money received by the school district and used only for the purposes specified in this section.

(b) May be used for expenses relating to conducting a program of peer assistance and review of teachers, which may include, without limitation, salaries and benefits of teachers and supervisors who provide consulting services, salaries and benefits of necessary substitute teachers, supplies, travel expenses and expenses relating to professional development.

(c) May not be used to settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations.

(d) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of the school district.

Sec. 2. Any balance of the sums appropriated by section 1 of this act 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. 3. This act becomes effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1160 to Senate Bill No. 300.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 391.

The following Assembly amendment was read:

Amendment No. 1157.

SUMMARY—Provides for awards of scholarships by community colleges in the Nevada System of Higher Education. (BDR 34-815)

AN ACT relating to community colleges; ~~requiring~~ authorizing community colleges in the Nevada System of Higher Education to award a scholarship to certain students who are enrolled in such colleges; requiring that a plan to improve the achievement of pupils include strategies to provide certain persons with information concerning the availability of such scholarships; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Community colleges in this State are a part of the Nevada System of Higher Education and are administered under the direction of the Board of Regents of the University of Nevada. (NRS 396.020) Section 9 of this bill requires each community college in the System to determine whether it will award Nevada Promise Scholarships. ~~and~~ Section 9 also requires each participating community college to allow a student to appeal adverse decisions relating to such scholarships. Section 8 of this bill establishes the Nevada Promise Scholarship Account in the State General Fund to pay for the scholarships.

Sections 9 and 10 of this bill require a participating community college to perform certain duties, including holding introductory meetings for scholarship applicants and establishing a mentoring program, or to enter into an agreement with a nonprofit organization or governmental entity to perform those duties. Section 11 of this bill sets forth the requirements to serve as a volunteer mentor in such a mentoring program. Sections 12 and 13 of this bill set forth the requirements for a student to be eligible to receive or renew a Nevada Promise Scholarship. The requirements to receive or renew a scholarship include a requirement that an applicant complete community service. Section 14 of this bill: (1) provides that an applicant who knowingly submits false information to a participating community college is ineligible to receive a scholarship; and (2) prescribes additional requirements governing deadlines and community service.

Section 16 of this bill prescribes: (1) the process for determining the eligibility of scholarship applicants and awarding scholarships; and (2) the amount of a scholarship for a recipient. If there is insufficient money available to award a full scholarship to all eligible students, section 16 sets forth the manner in which money in the Account will be disbursed. Section 16 additionally requires, under such circumstances, the State Treasurer to notify the Legislature and the board of trustees of each school district and the governing body of each charter school, who are then required to notify pupils who are on schedule to graduate from a public high school of that fact. Section 17 of this bill requires the Board of Regents to annually review all scholarships awarded for the previous year and report certain information to the Legislature. Section 17 also: (1) requires a participating community college to maintain certain records; and (2) authorizes the Board of Regents and the State Treasurer to audit a participating community college or a nonprofit organization or governmental entity with which a participating community college has entered into an agreement to carry out certain duties relating to the scholarship program. Section 18.3 of this bill makes an appropriation for the purpose of awarding Nevada Promise Scholarships.

Existing law requires the plan to improve the achievement of pupils adopted by the State Board of Education to include strategies designed to provide to pupils enrolled in middle school, junior high school and high school and certain other persons information concerning the availability of Governor Guinn Millennium Scholarships. (NRS 385.112) Section 1 of this bill requires that the plan also include strategies to provide such persons with information concerning the availability of Nevada Promise Scholarships.

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

Section 1. NRS 385.112 is hereby amended to read as follows:

385.112 A plan to improve the achievement of pupils enrolled in public schools in this State prepared pursuant to NRS 385.111 must include:

1. A review and analysis of the data upon which the report required pursuant to NRS 385A.400 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

2. The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

3. Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

4. Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

- (a) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

- (1) The curriculum appropriate to improve achievement;

(2) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation, the manner in which remediation will be provided to pupils who require remediation based on the results of an examination administered pursuant to NRS 390.600 and 390.610; and

(3) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(b) Improve the literacy skills of pupils;

(c) Improve the development of English language skills and academic achievement of pupils who are limited English proficient;

(d) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(e) Integrate technology into the instructional and administrative programs of the school districts;

(f) Manage effectively the discipline of pupils; and

(g) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

5. Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(a) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(b) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive ~~to~~, and *Nevada Promise Scholarships pursuant to sections 3 to 17, inclusive, of this act*; and

(c) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

6. An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

7. A timeline for carrying out the plan, including, without limitation:

(a) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to NRS 385.113; and

(b) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

8. For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

9. Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this subsection. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this subsection.

10. Based upon the reallocation of resources set forth in subsection 9, the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

11. A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

12. A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(a) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to NRS 385.111; and

(b) Designed to track the progress made in achieving the strategic goals established by the Department.

13. Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

Sec. 2. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. *As used in sections 3 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Gift aid" means a federal Pell grant, a Federal Supplemental Educational Opportunity Grant, a Governor Guinn Millennium Scholarship awarded pursuant to NRS 396.911 to 396.945, inclusive, or a grant awarded under the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive, received by a student.*

Sec. 5. *"Local partnering organization" means a nonprofit organization or governmental entity with which a participating community college enters into an agreement pursuant to section 9 of this act.*

Sec. 6. "Nevada Promise Scholarship" means a scholarship awarded by a participating community college pursuant to section 16 of this act.

Sec. 6.5. "Participating community college" means a community college that has elected pursuant to section 9 of this act to participate in the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act for the applicable school year.

Sec. 7. "Scholarship recipient" means the recipient of a Nevada Promise Scholarship.

Sec. 7.5. "School year" means consecutive fall and spring semesters and does not include the summer semester.

Sec. 8. 1. The Nevada Promise Scholarship Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Treasurer may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to distribute money to participating community colleges for the purpose of awarding Nevada Promise Scholarships to students who are eligible to receive or renew such scholarships under the provisions of sections 12 and 13 of this act.

Sec. 9. ~~Each~~ 1. On or before October 1 of each year, each community college shall:

~~1.1~~ (a) Determine whether it will participate in the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act for the immediately following school year; and

(b) Post on a publicly accessible Internet website maintained by the community college notice of the determination described in paragraph (a).

2. Each community college that elects to participate in the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act for the immediately following school year shall:

(a) Conduct the activities required by section 10 of this act or enter into an agreement with one or more nonprofit organizations or governmental entities to conduct those activities.

~~2.1~~ (b) Allow an applicant or scholarship recipient to appeal any adverse decision concerning his or her eligibility to receive or renew a

Nevada Promise Scholarship under the provisions of section 12 or 13 of this act or request a waiver, for good cause, of the requirements of paragraph (c) of subsection 2 of section 13 of this act concerning continuous enrollment. If the participating community college has established a process by which a student may appeal other decisions, the participating community college must use the same process for appealing an adverse decision described in this subsection.

3. A participating community college may accept gifts, grants and donations from any source for the purposes of administering the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act.

Sec. 10. Each participating community college or local partnering organization shall:

1. Before December 31 of each year, hold at least one training meeting for each mentor who will participate in the mentoring program established pursuant to subsection 5. The meeting must include instruction concerning Nevada Promise Scholarships awarded pursuant to sections 3 to 17, inclusive, of this act, appropriate relationships between students and mentors, opportunities for students to obtain financial aid, the Free Application for Federal Student Aid, the college application process and the requirements of section 12 of this act.

2. Before December 31 of each year, hold at least one training meeting for students who plan to apply or have applied for a Nevada Promise Scholarship for the immediately following school year. The meeting must include instruction concerning Nevada Promise Scholarships awarded pursuant to sections 3 to 17, inclusive, of this act, appropriate relationships between students and mentors, opportunities for students to obtain financial aid, the Free Application for Federal Student Aid, the college application process and the requirements of section 12 of this act.

3. Before May 1 of each year, hold at least one training meeting for students who have applied for a Nevada Promise Scholarship for the immediately following school year. The meeting must include instruction concerning orientation at the participating community college, making the transition from high school to college, the requirements of sections 12 and 13 of this act concerning community service and the manner in which a student will be informed of important information relating to his or her scholarship, including, without limitation, whether the student qualifies for a Nevada Promise Scholarship and the amount of the scholarship awarded.

4. If a scholarship applicant is unable to attend a meeting held pursuant to subsection 2 or 3 because he or she is required to attend a school-sponsored activity or religious observance or for a documented medical reason, arrange for the applicant to receive the training provided in that meeting as soon as practicable and before the deadline prescribed by subsection 2 or 3, as applicable. If the scholarship applicant is unable to

receive the training before the applicable deadline, the applicant must not receive a Nevada Promise Scholarship.

5. Establish a mentoring program for scholarship applicants and scholarship recipients that maintains a ratio of at least one mentor for every 10 applicants or recipients and, before December 31 of each year, assign a mentor who meets the requirements of section 11 of this act to each applicant and recipient. If a person serving as a mentor resigns from the mentoring program or cannot serve as a mentor for at least one semester, the participating community college or local partnering organization shall assign another mentor to each scholarship applicant or scholarship recipient for whom the person served as a mentor. The participating community college or local partnering organization shall not assign a person to serve as a mentor to a scholarship applicant or scholarship recipient:

(a) Whom the person employs; or

(b) To whom the person is related by consanguinity or affinity within the third degree.

6. Maintain a list of community service opportunities available to scholarship applicants and scholarship recipients to allow them to satisfy the requirements of sections 12 and 13 of this act concerning the completion of community service.

7. Post the list maintained pursuant to subsection 6 on a publicly available Internet website maintained by the participating community college or local partnering organization.

Sec. 11. 1. A person who serves as a mentor in a mentoring program established pursuant to section 10 of this act may not be compensated. A mentor may be an employee of the participating community college or local partnering organization, but must not receive additional compensation for serving as a mentor.

2. Each person who serves as a mentor in a mentoring program established pursuant to section 10 of this act and is not employed by the participating community college:

(a) Must be at least 21 years of age.

(b) Shall, before serving as a mentor, submit to the participating community college the information requested by the participating community college and written permission authorizing the community college to use the information to obtain a report on the criminal history of the prospective mentor. If the participating community college has entered into an agreement with a local partnering organization pursuant to section 9 of this act, the participating community college shall transmit the report on the criminal history of the prospective mentor to the local partnering organization.

3. A participating community college or local partnering organization shall not allow a person to serve as a mentor if the participating community college receives information pursuant to subsection 2 that the person has entered a plea of guilty, guilty but mentally ill or nolo contendere to, been

found guilty or guilty but mentally ill of, or been convicted of, in this State or any other jurisdiction, a felony.

Sec. 12. A student is eligible to receive a Nevada Promise Scholarship for the first school year in which the student is enrolled at a participating community college if the student:

1. Is a bona fide resident of this State, as construed in NRS 396.540, is less than 20 years of age and has not previously been awarded an associate's degree or bachelor's degree.

2. Has obtained:

(a) A high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State; or

(b) A general equivalency diploma or equivalent document.

3. Is not in default on any federal student loan and does not owe a refund to any federal program to provide aid to students.

4. Before November 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship, submits an application in the form prescribed by the participating community college.

5. On or before April 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship, completes the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

6. Receives an Expected Family Contribution from the United States Department of Education.

7. Attends at least one training meeting held by a participating community college or local partnering organization pursuant to subsection 2 of section 10 of this act and at least one such meeting held pursuant to subsection 3 of that section, or arranges to receive the training provided in those meetings at an alternate time pursuant to subsection 4 of that section.

8. Before May 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship:

(a) Has met at least once with the mentor assigned to the student pursuant to section 10 of this act.

(b) Completes at least 20 hours of community service that meets the requirements of section 14 of this act and submits to the participating community college verification of the completion of that community service. The verification must include:

(1) A description of the community service performed;

(2) The dates on which the service was performed and the number of hours of service performed on each date;

(3) The name of the organization for which the service was performed; and

(4) The name of a person employed by the organization whom the participating community college may contact to verify the information contained in the verification.

(c) Submits all information deemed necessary by the participating community college to determine the applicant's eligibility for gift aid.

9. Is enrolled in or plans to enroll in at least 12 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each semester of the school year immediately following the school year in which the student was awarded a high school diploma or a general equivalency diploma or equivalent document.

Sec. 13. 1. A Nevada Promise Scholarship:

(a) Must be renewed for each school year for which the scholarship recipient wishes to receive a scholarship; and

(b) May be renewed for a total of 2 school years, not including the initial school year.

2. A scholarship recipient is eligible to renew a Nevada Promise Scholarship if the scholarship recipient:

(a) Has not been awarded an associate's degree or bachelor's degree.

(b) Except as otherwise provided in this paragraph, is enrolled in or plans to enroll in at least 12 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each semester of the school year for which the student wishes to renew the scholarship. A student who is on schedule to graduate at:

(1) The end of a semester may enroll in the number of semester credit hours required to graduate.

(2) The end of the fall semester is not required to enroll in credit hours for the spring semester.

(c) Has enrolled in and successfully completed at least 12 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each fall and spring semester beginning with the first semester for which the student received a scholarship, unless the student has received a waiver pursuant to section 9 of this act.

(d) Maintains at least a 2.5 grade point average, on a 4.0 grading scale, or the equivalent of a 2.5 grade point average if a different grading scale is used, for all classes for which the student has been awarded credit at a participating community college, or makes adequate academic progress, as determined by the participating community college.

(e) Completes the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 on or before April 1 immediately preceding the school year for which the student wishes to renew the scholarship and receives an Expected Family Contribution from the United States Department of Education.

(f) Is not in default on any federal student loan and does not owe a refund to any federal program to provide aid to students.

(g) On or before May 1 immediately preceding the school year for which the student wishes to renew the scholarship:

(1) Completes 20 hours of community service that meets the requirements of section 14 of this act and submits to the participating community college verification of the completion of that community service. The verification must include:

(I) A description of the community service performed;

(II) The dates on which the service was performed and the number of hours of service performed on each date;

(III) The name of the organization for which the service was performed; and

(IV) The name of a person employed by the organization whom the participating community college may contact to verify the information contained in the verification.

(2) Meets at least twice with the mentor assigned to the student pursuant to section 10 of this act.

(3) Submits to the participating community college all documentation deemed necessary by the participating community college to determine the applicant's eligibility for financial aid.

(h) Before November 1 immediately preceding the school year for which the student wishes to renew the scholarship, submits an application in the form prescribed by the participating community college and all information deemed necessary by the participating community college to determine the applicant's eligibility for gift aid.

Sec. 14. 1. An applicant who knowingly submits false or misleading information to a participating community college or local partnering organization pursuant to section 12 or 13 of this act is ineligible to receive a Nevada Promise Scholarship.

2. If a deadline prescribed by section 12 or 13 of this act falls on a Saturday, Sunday or legal holiday, the deadline is the next business day.

3. Community service performed to satisfy the requirements of section 12 or 13 of this act must not include religious proselytizing or service for which the student receives any type of compensation or which directly benefits a member of the family of the applicant or student, as applicable.

Sec. 15. (Deleted by amendment.)

Sec. 16. 1. Each participating community college shall award Nevada Promise Scholarships in accordance with this section to students who are enrolled at the participating community college and are eligible to receive or renew such scholarships under the provisions of sections 12 and 13 of this act.

2. On or before July 1 of each year, a participating community college shall:

(a) Review all timely applications received pursuant to sections 12 and 13 of this act to determine the eligibility of each applicant for a Nevada Promise Scholarship and for gift aid;

(b) Review information submitted by each eligible applicant to determine the amount of the Nevada Promise Scholarship the student would receive under the provisions of subsection 6 and notify each applicant whether the applicant is eligible to receive a Nevada Promise Scholarship for the immediately following school year; and

(c) After reviewing applications pursuant to paragraph (a), submit to the State Treasurer the number of students whose applications have been approved and the amount of money that will be required to fund a scholarship for each eligible student pursuant to subsection 6 if no student receives additional gift aid.

3. On the date prescribed by regulation of the State Treasurer, a participating community college shall submit a request for a disbursement from the Nevada Promise Scholarship Account created by section 8 of this act in the amount prescribed by subsection 6 for each eligible student.

4. A participating community college shall use the money disbursed pursuant to subsection 5 to pay the difference between the amount of the registration fee and other mandatory fees charged to the student by the participating community college for the school year, excluding any amount of those fees that is waived by the participating community college, and the total amount of any other gift aid received by the student for the school year. The community college shall not refund to a student any money disbursed to the participating community college pursuant to subsection 5.

5. Within the limits of money available in the Nevada Promise Scholarship Account, the State Treasurer shall disburse to a participating community college the amount requested pursuant to subsection 3. If there is insufficient money in the Account to disburse that amount to each participating community college:

(a) The State Treasurer shall determine whether there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship and disburse the available money in the Account to each participating community college in the following manner:

(1) If there is insufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship, the State Treasurer shall not disburse any amount requested for first-time recipients of a Nevada Promise Scholarship and shall disburse money to each participating community college to fund a scholarship for each student who applied to renew a Nevada Promise Scholarship, in the order in which applications were received by the participating community college, until the money in the Account is exhausted; and

(2) If there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship, the State Treasurer shall first disburse the money requested by each participating community college for all students who applied to renew a Nevada Promise Scholarship and then disburse money to each participating

community college to fund a scholarship for each student who applied for the first time to receive a Nevada Promise Scholarship, in the order in which applications were received by the participating community college, until the money in the Account is exhausted.

(b) The State Treasurer shall provide notice that insufficient money remains in the Nevada Promise Scholarship Account to:

(1) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education, the Legislative Commission and next regular session of the Legislature; and

(2) The board of trustees of each school district and the governing body of each charter school in this State. Upon receiving such notice, the board of trustees or governing body, as applicable, shall notify each pupil who is enrolled in a school in the district or the charter school and is on schedule to receive a standard high school diploma at the end of the current school year.

(c) A participating community college shall award Nevada Promise Scholarships in accordance with the provisions of paragraph (a) in a manner that gives priority first to students applying for renewal of a Nevada Promise Scholarship and then to applications received by the participating community college pursuant to section 12 of this act, in the order in which they were received.

6. Within the limits of money available in the Nevada Promise Scholarship Account, the amount of money awarded to a scholarship recipient pursuant to this section must be equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the participating community college for the school year, excluding any amount of those fees that is waived by the participating community college, and the total amount of any other gift aid received by the student for the school year.

Sec. 17. 1. On or before August 1 of each year, the Board of Regents shall:

(a) Review all Nevada Promise Scholarships awarded for the immediately preceding school year;

(b) Compile a report for the immediately preceding school year, which must include the number of scholarship recipients, the total cost associated with the award of Nevada Promise Scholarships, the total number of hours of community service performed pursuant to sections 12 and 13 of this act, the overall graduation rate of scholarship recipients, the graduation rate of scholarship recipients enrolled at each participating community college, the overall scholarship retention rate and the scholarship retention rate for students at each participating community college; and

(c) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Legislative Committee on Education.

2. A participating community college shall maintain a record for each scholarship recipient for at least 3 years after the end of the final school year for which he or she receives a scholarship. Such a record must include:

- (a) The name of the scholarship recipient;
- (b) The total amount of money awarded to the scholarship recipient and the amount of money awarded to the scholarship recipient each school year;
- (c) The courses in which the scholarship recipient enrolled and the courses completed by the scholarship recipient;
- (d) The grades received by the scholarship recipient;
- (e) Whether the scholarship recipient is currently enrolled in the participating community college and, if not, whether he or she earned an associate's degree, a bachelor's degree or a certificate of achievement; and
- (f) The records of community service submitted by the scholarship recipient pursuant to sections 12 and 13 of this act.

3. Except as otherwise provided in this section, the Board of Regents and the State Treasurer may at any time audit the practices used by a participating community college or local partnering organization to carry out the provisions of sections 3 to 17, inclusive, of this act. The Board of Regents and State Treasurer shall not conduct an audit less than 6 months after the most recently conducted audit.

4. A participating community college shall provide the Board of Regents and the State Treasurer with access to the records maintained pursuant to subsection 2 for the purposes of an annual report compiled pursuant to subsection 1 or an audit conducted pursuant to subsection 3. Those records are otherwise confidential and are not public records.

5. As used in this section, "scholarship retention rate" means the percentage of scholarship recipients for the school year immediately preceding the school year to which a report compiled pursuant to subsection 1 pertains who did not graduate by the end of that school year and who also received a Nevada Promise Scholarship for the school year to which the report pertains.

Sec. 18. 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 17 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. 18.3. There is hereby appropriated from the State General Fund to the Nevada Promise Scholarship Account created by section 8 of this act for the Fiscal Year 2018-2019 the sum of \$3,500,000 for the purpose of awarding Nevada Promise Scholarships pursuant to sections 3 to 17, inclusive, of this act.

Sec. 18.5. 1. Notwithstanding the provisions of section 17 of this act, the initial report compiled by the Board of Regents of the University of Nevada pursuant to subsection 1 of section 17 of this act:

~~{1.}~~ (a) Must be submitted on or before August 1, 2019, and must provide information concerning the 2017-2018 school year; and

~~{2.}~~ (b) Is not required to include the overall graduation rate of scholarship recipients, the graduation rate of scholarship recipients enrolled at each participating community college, the overall scholarship retention

rate or the scholarship retention rate for students at each participating community college.

2. As used in this section, "participating community college" has the meaning ascribed to it in section 6.5 of this act.

Sec. 19. 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. 20. 1. This section and sections 1 to 15, inclusive, and 17, 18, 18.5 and 19 of this act become effective 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 on July 1, 2017, for all other purposes.

2. Section 18.3 of this act becomes effective on July 1, 2017.

3. Section 16 of this act becomes effective 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 on July 1, 2018, for all other purposes.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1157 to Senate Bill No. 391.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 392.

The following Assembly amendment was read:

Amendment No. 1138.

SUMMARY—Revises provisions relating to energy. (BDR 58-663)

AN ACT relating to energy; revising provisions relating to payment of incentives to certain participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; requiring the Public Utilities Commission of Nevada to adopt regulations establishing standards for the operation of community solar gardens; requiring a subscriber to a community solar garden to receive a credit on the subscriber's monthly utility bill for the subscriber's share of the electricity generated by the community solar garden; ~~authorizing a utility to charge a net metering adjustment charge to subscribers under certain circumstances;~~ setting forth the contractual requirements for a subscription to a community solar garden; requiring a utility to purchase the unsubscribed electricity of a community solar garden; requiring the Commission to issue portfolio energy credits to a subscriber organization that installs a community solar garden; providing that such portfolio energy credits are the property of the subscriber organization; repealing provisions requiring an electric utility to create a Lower Income Solar Energy Pilot Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. Existing law further establishes the amount of incentives that may be authorized for payment by the Public Utilities Commission of Nevada to each Program. (NRS 701B.005, 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) Section 1 of this bill combines the amount of existing incentives available for payment to each Program into a single pool of money from which the Commission may authorize the payment of an incentive to a Program. Section 1 further requires the Commission, for the period beginning on January 1, 2018, and ending on December 31, 2023, to authorize the payment of incentives in an amount of not more than \$1,000,000 per year for the installation of solar energy systems, community solar gardens and distributed generation systems at locations throughout the service territories of electric utilities in this State which benefit low-income and moderate-income customers. Section 2 of this bill authorizes that such incentives be made available to a participant for the installed cost of a community solar garden.

Sections 4-15 of this bill enact provisions governing community solar gardens in this State. Section 5 defines a community solar garden as a solar energy system that: (1) has a nameplate capacity of not more than 12 megawatts; (2) is owned or operated by a subscriber organization; and (3) generates electricity for subscribers of the community solar garden. Section 11 requires the Commission to adopt regulations establishing standards for the operation of community solar gardens in this State. The regulations adopted pursuant to section 11 must: (1) establish goals for the generation of electricity by community solar gardens in this State; (2) establish eligibility requirements for subscriber organizations, including, without limitation, a requirement that a subscriber organization have at least 20 subscribers; (3) authorize any customer in any rate class to become a subscriber of a community solar garden; and (4) establish standards, charges, fees and processes for the interconnection of a community solar garden. Sections 12 and 12.2 entitle a subscriber who participates in a community solar garden to a ~~full kilowatt-hour~~ credit on the subscriber's monthly utility bill for the subscriber's share of the electricity generated by the community solar garden. ~~[Section] If Assembly Bill No. 405 of this session is enacted and becomes effective, sections 12 [authorizes] and 17 of this bill provide for a utility to [charge the net metering adjustment charge established by section 28] apply a monetary credit on a subscriber's monthly utility bill that is less than the value of a full kilowatt-hour credit. The reduced credit will match the reduced credit which would be received by a customer-generator who receives a reduced credit for a kilowatt-hour pursuant to NRS 704.766 to 704.775, inclusive. [of Assembly Bill No. 405 of this session to each subscriber to a community solar garden.]~~ If Assembly Bill No. 405 of this session is not enacted or does not become effective, sections 12.2 and 17 of

this bill ~~[provide that a net metering adjustment charge will not be charged by a utility.]~~ require the utility to apply a full monetary credit on a subscriber's monthly utility bill. Sections 12.4-12.8 of this bill set forth the requirements for the cover page, provisions and summary disclosure statement for a subscription to a community solar garden.

Section 13 requires a utility to purchase the unsubscribed electricity of a community solar garden located in the utility's service territory. Section 14 requires the Commission to issue portfolio energy credits for community solar gardens and provides that: (1) such credits must be the property of the subscriber organization that owns or operates the community solar garden; and (2) the subscriber organization is authorized to assign such credits to the utility. Section 15 exempts community solar gardens, subscriber organizations and subscribers from regulation as public utilities unless a community solar garden, subscriber organization or subscriber otherwise constitutes a public utility.

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

Section 1. NRS 701B.005 is hereby amended to read as follows:

701B.005 1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by ~~[subsection 2,]~~ *subsections 2 and 3*, the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.

2. ~~[The]~~ *Subject to the limitations prescribed by subsection 3, the Commission shall not authorize the payment of an incentive pursuant to ~~[(a) The] the Solar Energy Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 or the Waterpower Energy Systems Demonstration Program created by NRS 701B.820~~ if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems , community solar gardens and solar distributed generation systems to exceed ~~[\$255,270,000]~~ \$295,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025.*

~~[(b) The Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of wind energy systems and waterpower energy systems to exceed \$40,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2025. The Commission shall by regulation determine the allocation of incentives for each Program.]~~

3. *For the period beginning on January 1, 2018, and ending on December 31, 2023, the Commission shall, from the money authorized for*

the payment of incentives pursuant to subsection 2, authorize the payment of incentives in an amount of not more than \$1,000,000 per year for the installation of solar energy systems, community solar gardens and distributed generation systems at locations throughout the service territories of the utilities in this State which benefit low- and moderate-income customers, including, without limitation, homeless shelters, low-income housing developments, Indian reservations, Indian colonies and public entities, other than municipalities, that serve significant populations of low-income and moderate-income residents.

4. The Commission may, subject to the limitations prescribed by ~~{subsection 2,}~~ subsections 2 and 3, authorize the payment of performance-based incentives for the period ending on December 31, 2025.

~~{4.}~~ 5. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

~~{5.}~~ 6. As used in this section:

(a) "Community solar garden" has the meaning ascribed to it in section 5 of this act.

(b) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

~~{(b)}~~ (c) "Utility" means a public utility that supplies electricity in this State.

Sec. 2. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives. The incentives must be market-based incentives that:

(a) Do not exceed 50 percent of the installed cost of a solar energy system , *community solar garden* or distributed generation system, as determined by using the average installed cost of the solar energy systems , *community solar gardens* or distributed generation systems, as applicable, installed in the immediately preceding year;

(b) Are designed to maximize the number of customer categories participating in the Solar Program based on demographics and location, including, without limitation, categories for public entities, customers of lower socioeconomic status, nonprofit organizations and commercial, industrial and residential customers; and

(c) Provide for a sustainable Solar Program that maintains sufficient customer participation and that provides for the measured award of incentives to as many participants as possible on or before December 31, 2021.

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

- (a) A detailed plan for advertising the Solar Program;
- (b) A detailed budget and schedule for carrying out and administering the Solar Program;
- (c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;
- (d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;
- (e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program;
- (f) Any other information that the Commission requires from the utility as part of the administration of the Solar Program; and
- (g) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems.

Sec. 3. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 15, inclusive, of this act.

Sec. 4. *As used in sections 4 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Community solar garden" means a facility or energy system that uses a solar photovoltaic device to generate electricity which:*

- 1. *Has a nameplate capacity of not more than 12 megawatts; and*
- 2. *Is owned or operated by a subscriber organization.*

Sec. 6. *"Subscriber" means a customer of a utility who subscribes to a community solar garden that is located in the service territory of the utility.*

Sec. 7. *"Subscriber organization" means an entity that owns or operates a community solar garden, which may include, without limitation, a public utility.*

Sec. 8. *"Subscription" means a contract between a subscriber organization and a subscriber setting forth the subscriber's proportional interest in a community solar garden.*

Sec. 9. *"Unsubscribed electricity" means electricity, measured in kilowatt-hours, generated by a community solar garden that is not allocated to a subscriber.*

Sec. 10. *"Utility" means a public utility that supplies electricity in this State.*

Sec. 11. 1. *The Commission shall adopt regulations establishing standards for the operation of community solar gardens. The regulations must:*

(a) Establish goals for the procurement of electricity from community solar gardens in this State, including, without limitation:

(1) A goal that, by 2023, community solar gardens in this State generate at least 200 megawatts of electric energy.

(2) A goal for the number of megawatts of electric energy in this State to be generated by community solar gardens in each year after 2023.

(b) Establish requirements for community solar gardens and subscriber organizations, which must:

(1) Require a community solar garden to have at least 20 subscribers;

(2) Prohibit a subscriber organization from allowing a subscriber to have a subscription that exceeds 40 percent of a proportional interest in a community solar garden owned or operated by the subscriber organization;

(3) Require a subscriber organization to make at least 40 percent of the total generating capacity of the community solar garden available in subscriptions to the community solar garden that are 25 kilowatts or less;

(4) Prohibit the location of one or more community solar gardens with a combined total nameplate capacity of more than 12 megawatts on a single parcel of land; and

(5) Require each community solar garden to be separately metered and interconnected, unless a utility grants a waiver to authorize joint metering or interconnection.

(c) Authorize a subscriber organization to enter into leases, sale-and-leaseback transactions, operating agreements and ownership arrangements with third parties.

(d) Require at least 10 percent of the total generating capacity of community solar gardens in this State be available for use by low-income residential customers of a utility or by persons providing services which benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments, Indian reservations, Indian colonies and schools with a significant population of low-income pupils.

(e) Authorize any customer of a utility in any rate class of a utility to be a subscriber.

(f) Prohibit a utility from placing a subscriber into a different rate class because the subscriber has subscribed to a community solar garden.

(g) Provide for the transferability of subscriptions.

(h) Establish standards, charges, fees and processes for the interconnection of a community solar garden that allow the utility to recover reasonable interconnection costs for each community solar garden.

2. *The regulations adopted by the Commission pursuant to subsection 1 must not impose different requirements for a community solar garden that is not owned or operated by a utility than the requirements imposed for a community solar garden owned or operated by a utility.*

3. On or before September 1 of each year, each subscriber organization shall submit a report to the Commission demonstrating its compliance with the regulations adopted pursuant to subparagraph (2) of paragraph (b) of subsection 1.

Sec. 12. 1. For a period of 25 years after a community solar garden owned or operated by a subscriber organization begins generating electricity, a subscriber is entitled to a kilowatt-hour credit on the subscriber's monthly utility bill for the proportional output of the community solar garden attributable to that subscriber for the preceding month. Except as otherwise required by the Commission, a utility may apply the credit to the subscriber's monthly utility bill as a reduction in metered use or a monetary credit to the total amount due for the bill. Any excess credit must be carried over to subsequent billing periods. Except as otherwise provided in subsection 2, any monetary credit applied on a subscriber's monthly utility bill pursuant to this subsection shall be not less than the value of the credit had it been applied as a kilowatt-hour credit on the subscriber's monthly utility bill.

2. ~~The Commission shall authorize a utility to charge a subscriber an adjustment charge for each kilowatt hour of electricity credited to the subscriber. The adjustment charge must equal the net metering adjustment charge in effect pursuant to section 28 of Assembly Bill No. 405 of this session.~~ A utility shall apply a monetary credit on a subscriber's monthly utility bill that is less than the value of the credit had it been applied as a kilowatt-hour credit on the subscriber's monthly utility bill if a provision of NRS 704.766 to 704.775, inclusive, expressly requires a customer-generator to receive a reduced credit for each kilowatt-hour of excess electricity fed back to the utility by the customer-generator. The amount of the monetary credit on a subscriber's monthly utility bill must equal the amount of the reduced credit applicable to a customer-generator at the time that the community solar garden was allocated capacity pursuant to section 4 to 15, inclusive, of this act.

3. A subscriber organization shall, on a monthly basis and at other reasonable times determined by the utility in the service territory in which the community solar garden owned or operated by the subscriber organization is located, provide to the utility information necessary to determine the proportional share of each subscription.

4. As used in this section, "customer-generator" has the meaning ascribed to it in NRS 704.768.

Sec. 12.2. 1. For a period of 25 years after a community solar garden owned or operated by a subscriber organization begins generating electricity, a subscriber is entitled to a kilowatt-hour credit on the subscriber's monthly utility bill for the proportional output of the community solar garden attributable to that subscriber for the preceding month. Except as otherwise required by the Commission, a utility may apply the credit to the subscriber's monthly utility bill as a reduction in metered use or a

monetary credit to the total amount due for the bill. Any excess credit must be carried over to subsequent billing periods. ~~Except as otherwise provided in subsection 2, any~~ Any monetary credit applied on a subscriber's monthly utility bill pursuant to this subsection shall be not less than the value of the credit had it been applied as a kilowatt-hour credit on the subscriber's monthly utility bill.

~~2. Except as otherwise provided in subsection 3, the Commission may appropriately increase or reduce the value of a kilowatt hour credit earned by a subscriber to a community solar garden pursuant to subsection 1 if the Commission determines that a community solar garden:~~

~~—(a) Relieves loading on the transmission or distribution system and reduces the long term cost of transmission or distribution capacity; or~~

~~—(b) Increases loading on the transmission or distribution system and imposes incremental increases on the long term cost of transmission or distribution capacity.~~

~~3. The Commission shall ensure that any increase or reduction in the value of a kilowatt hour credit does not duplicate a cost that has already been credited by or paid to a utility from a subscriber or subscriber organization.~~

~~4.~~ A subscriber organization shall, on a monthly basis and at other reasonable times determined by the utility in the service territory in which the community solar garden owned or operated by the subscriber organization is located, provide to the utility information necessary to determine the proportional share of each subscription.

Sec. 12.3. A subscription to a community solar garden must be in writing and comply with the requirements of sections 12.4, 12.6 and 12.8 of this act.

Sec. 12.4. A subscription to a community solar garden must include a cover page that provides the following information in writing in at least 10-point font:

1. The amount due at the signing of the subscription.
2. An estimated timeline for the month in which the subscriber will begin receiving kilowatt-hour credits on the subscriber's monthly utility bill.
3. The estimated amount of any monthly payments due under the subscription for the first year of operation of the community solar garden and any known increases in monthly payments for the term of the subscription.
4. The length of the term of the subscription.
5. A description of any guarantees relating to the performance of the community solar garden.
6. The rate of any payment increases.
7. The estimated production of the community solar garden attributable to the subscription in the first year of operation.
8. A description of the terms for renewal or any other options available at the end of the term of the subscription.

Sec. 12.6. *A subscription to a community solar garden must include, without limitation, the following information in writing in at least 10-point font:*

- 1. The name, mailing address and telephone number of the subscriber organization.*
- 2. An estimated timeline for the month in which the subscriber will begin receiving kilowatt-hour credits on the subscriber's monthly utility bill.*
- 3. The length of the term of the subscription.*
- 4. A general description of the community solar garden to which the subscription is applied.*
- 5. The amounts, if any, of the:*
 - (a) Monthly payments due under the subscription; and*
 - (b) Total payments due under the subscription, excluding taxes.*
- 6. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.*
- 7. A description of any obligation the subscriber organization has regarding the installation, repair or removal of the community solar garden.*
- 8. A description of any guarantees relating to the performance of the community solar garden.*
- 9. A description of any:*
 - (a) Taxes due at the commencement of the subscription; and*
 - (b) Estimation of taxes known to be applicable during the term of the subscription, subject to any change in the state or local tax rate or tax structure.*
- 10. A disclosure notifying the subscriber of the transferability of the obligations under the subscription to a subsequent subscriber.*
- 11. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.*
- 12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the community solar garden.*
- 13. Any terms for renewal of the subscription.*
- 14. A description of all options available to the subscriber in the event of a change of the subscriber's location or residence:*
 - (a) Within the same service territory; or*
 - (b) To another service territory.*
- 15. An estimate of the amount of electricity that could be generated by the community solar garden attributable to the subscription in the first year of operation.*
- 16. The granting to the subscriber of the right to rescind the subscription for a period ending not less than 3 business days after the subscription is signed.*

17. A signature block that is signed and dated by the subscriber and the subscriber organization.

Sec. 12.8. 1. The subscription to a community solar garden must include a written disclosure that is not more than three pages in length and is in at least 10-point font.

2. The disclosure described in subsection 1 must be separate from the cover page and subscription described in sections 12.4 and 12.6 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the subscriber organization;

(b) The length of the term of the subscription;

(c) The amount due at the signing of the subscription;

(d) The estimated amount of the monthly payments due under the subscription;

(e) The estimated amount of the total payments due under the subscription;

(f) A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:

(1) Any late fees; and

(2) Any cancellation fees;

(g) The total number of payments to be made under the subscription;

(h) The due date of any payment and the manner in which the subscriber will receive an invoice for such payments;

(i) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(j) Assumptions concerning the design of the community solar garden, including, without limitation:

(1) The size of the community solar garden;

(2) The estimated amount of production for the community solar garden in the first year of operation;

(3) The estimated annual degradation to the community solar garden; and

(4) As specified by the subscription at the time of installation of the community solar garden, whether or not an electric utility must credit a subscriber for any excess energy that is generated by the community solar garden attributable to the subscription;

(k) A disclosure notifying the subscriber if maintenance and repairs of the community solar garden are included in the subscription;

(l) A disclosure describing the transferability of the subscription;

(m) A description of any guarantees relating to the performance of the community solar garden;

(n) A description of the basis for any estimates of savings that were provided to the subscriber, if applicable; and

(o) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 13. A utility shall purchase unsubscribed electricity generated by a community solar garden within the service area of the utility. Compensation for unsubscribed energy must be provided to the subscriber organization at the rate offered for short-term purchases from qualifying facilities set forth in regulations adopted pursuant to NRS 704.210.

Sec. 14. 1. After a subscriber organization installs a community solar garden, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213.

2. The Commission shall designate the portfolio energy credits issued pursuant to this section as portfolio energy credits generated, acquired or saved from solar renewable energy systems for the purposes of the portfolio standard.

3. Notwithstanding any other provision of law, portfolio energy credits issued for a community solar garden installed pursuant to the regulations adopted pursuant to section 11 of this act must be considered the property of the subscriber organization. The subscriber organization may assign such portfolio energy credits to the utility for the service territory of the community solar garden generating the portfolio energy credits.

Sec. 15. Notwithstanding any other provision of law, a community solar garden, subscriber organization or subscriber is not a public utility and is not subject to regulation as a public utility by the Commission, other than regulation under sections 4 to 15, inclusive, of this act, unless the community solar garden, subscriber organization or subscriber constitutes a public utility and is subject to regulation by the Commission under the provisions of this chapter other than sections 4 to 15, inclusive, of this act.

Sec. 16. NRS 704.786 is hereby repealed.

Sec. 17. 1. This section and sections 1 to 11, inclusive, and 12.3 to 16, inclusive, of this act become effective:

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

(b) On July 1, 2017, for all other purposes.

2. If, and only if, Assembly Bill No. 405 of this session is enacted and becomes effective, section 12 of this act becomes effective:

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

(b) On July 1, 2017, for all other purposes.

3. If, and only if, Assembly Bill No. 405 of this session is not enacted or does not become effective, section 12.2 of this act becomes effective:

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

(b) On July 1, 2017, for all other purposes.

4. Sections 1 and 2 of this act expire by limitation on December 31, 2025.

TEXT OF REPEALED SECTION

704.786 Lower Income Solar Energy Pilot Program: Creation required by each electric utility in State.

1. Each electric utility in this State shall create a Lower Income Solar Energy Pilot Program for the purpose of installing, before January 1, 2017, distributed generation systems with a cumulative capacity of at least 1 megawatt at locations throughout its service territory which benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and schools with significant populations of low-income pupils. Each electric utility shall submit the Program as part of its annual plan submitted pursuant to NRS 701B.230. The Commission shall approve the Program with such modifications and upon such terms and conditions as the Commission deems necessary or appropriate to enable the Program to meet the purposes set forth in this subsection.

2. The Office of Energy shall advise the Commission and each electric utility regarding grants and other sources of money available to defray the costs of the Program.

3. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 701B.055.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1138 to Senate Bill No. 392.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 428.

The following Assembly amendment was read:

Amendment No. 1056.

SUMMARY—Provides for the issuance of certain special license plates. (BDR 43-1015)

AN ACT relating to license plates; providing for the issuance of special license plates indicating support for Tule Springs State Park; ~~providing for the issuance of special license plates indicating support for certain professional sports teams; exempting the special license plates from certain provisions otherwise applicable to special license plates;~~ imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill provides for the issuance of special license plates indicating support for Tule Springs State Park. The fees generated by the

special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Ice Age Park Foundation or its successor for use in programs, projects and activities in support of Tule Springs State Park. The special license plates must be approved by the Commission on Special License Plates and, after approval, must not be issued until one of the 30 design slots for the special license plates becomes available. (NRS 482.367004, 482.367008, 482.36705) Sections 2-5, 6 and 7-10 of this bill make conforming changes to various sections referring to the special license plates. This bill does not require, as a prerequisite to design, preparation and issuance, that the special license plates receive a minimum number of applications, but does require the posting of a surety bond with the Department of Motor Vehicles.

~~[Section 1.7 of this bill requires the Department to design, prepare and issue special license plates indicating support for any professional major league sports team based in Nevada that requests such a plate and meets certain requirements. A person wishing to obtain the special license plates must pay to the Department a fee of \$35 for initial issuance and \$10 for renewal, as well as all applicable registration and licensing fees and governmental services taxes. This bill does not require, as a prerequisite to design, preparation and issuance, the posting of a surety bond with the Department, but does require the Department to adopt regulations which provide a procedure whereby the sports team would pay for the production of the plates. Sections 5.5-6.5 of this bill exempt the special license plates indicating support for such a sports team from requirements for: (1) a recommendation from the Commission; (2) waiting for one of the 30 design slots for special license plates to become available; and (3) a minimum number of applications for the special license plate. Sections 2-5 and 7-10 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 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. *Except as otherwise provided in subsection 2, the Department, in conjunction with the Ice Age Park Foundation or its successor, shall design, prepare and issue license plates which indicate support for Tule Springs State Park, using any colors that the Department deems appropriate.*

2. *The Department shall not design, prepare or issue the license plates described in subsection 1 unless:*

(a) The Commission on Special License Plates recommends to the Department that the Department approve the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) A surety bond in the amount of \$5,000 is posted with the Department.

3. If the conditions set forth in subsection 2 are met, the Department shall issue license plates which indicate support for Tule Springs State Park for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates which indicate support for Tule Springs State Park if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates which indicate support for Tule Springs State Park pursuant to subsections 4 and 5.

4. The fee for license plates which indicate support for Tule Springs State Park is \$35, in addition to all other applicable registration and license fees and governmental services tax. The license plates are renewable upon the payment of \$10.

5. In addition to all other applicable registration and license fees and governmental services tax and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates which indicate support for Tule Springs State Park must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be deposited in accordance with subsection 6.

6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Ice Age Park Foundation or its successor for use in programs, projects and activities in support of Tule Springs State Park.

7. The Department shall promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:

(a) The Department, based upon the recommendation of the Commission on Special License Plates, determines not to issue the special license plate; or

(b) It is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

8. The provisions of paragraph (a) of subsection 1 of NRS 482.36705 do not apply to license plates described in this section.

9. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~Sec. 1.7. [1. The Department, in cooperation with any professional major league sports team based in Nevada which meets the requirements of this section, shall design, prepare and issue license plates that indicate support for the sports team using any colors and designs which the Department deems appropriate.~~

~~2. The Department shall issue license plates that indicate support for the sports team for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the sports team if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the sports team pursuant to subsection 1.~~

~~3. The fee for license plates which indicate support for the sports team is \$35, in addition to all other applicable registration and license fees and governmental services tax. The license plates are renewable upon the payment of \$10.~~

~~4. The provisions of NRS 482.36705 do not apply to license plates described in this section.~~

~~5. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~(a) Retain the plates and affix them to another vehicle that meets the requirements of this section; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~6. The Department shall adopt regulations providing for the production and issuance of the special license plates pursuant to this section. The regulations must include, without limitation:~~

~~(a) A definition of the term "professional major league sports team";~~

~~(b) The procedure by which such a sports team may apply to have a special license plate produced and issued pursuant to this section; and~~

~~(c) Provisions for payment by such a sports team for the costs of production and issuance of such a special license plate.~~

~~7. All money received pursuant to subsection 6 must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.] (Deleted by amendment.)~~

Sec. 2. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

- (a) Registration fees pursuant to NRS 482.480 and 482.483.
- (b) A fee for each license plate issued pursuant to NRS 482.268.
- (c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.
- (d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.
- (e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ~~and (sections)~~ section 1.3 (and 1.7) of this act, which are imposed to generate financial support for a particular cause or charitable organization, if applicable.
- (f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.
- (g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

- (a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;
- (b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and
- (c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

- (a) Transmit the applications received to the Department within the period prescribed by the Department;
- (b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;
- (c) Comply with the regulations adopted pursuant to subsection 5; and
- (d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;
(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle;
or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[]~~, and ~~sections~~ section 1.3 ~~(and 1.7)~~ of this act; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[]~~, and ~~sections~~ section 1.3 ~~(and 1.7)~~ of this act. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~{-}~~ , and ~~{sections}~~ section 1.3 ~~{and 1.7}~~ of this act.

Sec. 5.5. ~~{NRS 482.367004 is hereby amended to read as follows:~~

~~482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:~~

~~(a) Five Legislators appointed by the Legislative Commission:~~

~~(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~(b) Three nonvoting members consisting of:~~

~~—(1) The Director of the Department of Motor Vehicles, or a designee of the Director.~~

~~—(2) The Director of the Department of Public Safety, or a designee of the Director.~~

~~—(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.~~

~~—2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.~~

~~—3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.~~

~~—4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.~~

~~—5. The Commission shall recommend to the Department that the Department approve or disapprove:~~

~~—(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;~~

~~—(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and~~

~~—(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.~~

~~— In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.~~

~~—6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.~~

~~—7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751,~~

~~482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 [.] or section 1.7 of this act.~~

~~8. The Commission shall:~~

~~(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.~~

~~(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.] (Deleted by amendment.)~~

Sec. 6. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~to~~ or section 1.3 of this act; and

(c) Except for a license plate that is issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901, ~~for section 1.7 of this act,~~ a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license

plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➡ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 6.5. ~~NRS 482.36705 is hereby amended to read as follows:~~

~~482.36705 1. Except as otherwise provided in subsection 2:~~

~~(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.~~

~~(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.~~

~~(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.~~

~~2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 [.] or section 1.7 of this act.] (Deleted by amendment.)~~

Sec. 7. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, ~~and sections~~ section 1.3 ~~and 1.7~~ of this act, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483 and mopeds registered pursuant to NRS 482.2155, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[]~~, and ~~sections~~ section 1.3 ~~and 1.7~~ of this act. The term includes the successor, if any, of a charitable organization.

Sec. 8. NRS 482.38276 is hereby amended to read as follows:

482.38276 "Special license plate" means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937,

482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~to~~ or *section 1.3 of this act*; and

3. Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, ~~for section 1.7 of this act,~~ a license plate that is approved by the Legislature after July 1, 2005.

Sec. 9. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ~~and sections~~ *section 1.3 and 1.7 of this act*, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or

registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 10. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration \$5.00
 For every substitute number plate or set of plates 5.00
 For every duplicate number plate or set of plates 10.00
 For every decal displaying a county name 50
 For every other indicator, decal, license plate sticker or tab 5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, and ~~sections~~ section 1.3 (and 1.7) of this act or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 11. 1. This section and section 1 of this act become effective on July 1, 2017.

2. Sections 1.3, 2 to 5, inclusive, 6 and 7 to 10, inclusive, of this act become effective on the date 2 years after the date on which the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources, pursuant to the authority granted in NRS 407.065, establishes Tule Springs State Park.

3. Sections 1.7, 5.5 and 6.5 of this act become effective on January 1, 2018.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1056 to Senate Bill No. 428.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 451.

The following Assembly amendment was read:

Amendment No. 1130.

SUMMARY—Makes various changes relating to criminal justice. (BDR 14-1007)

AN ACT relating to criminal justice; creating the Nevada Sentencing Commission; prescribing the membership and duties of the Sentencing Commission; enacting various provisions relating to the Sentencing Commission; authorizing the Sentencing Commission to issue subpoenas; revising certain provisions governing the Advisory Commission on the Administration of Justice; authorizing the Sentencing Commission to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Advisory Commission, among other duties, to identify and study the elements of this State's system of criminal justice, including certain issues relating to the sentencing of persons convicted of felonies and gross misdemeanors. (NRS 176.0123, 176.0125) Section 5 of this bill creates the Nevada Sentencing Commission and provides for the membership of the Sentencing Commission. Section 6 of this bill prescribes the duties of the Sentencing Commission, and includes, among other duties related to the sentencing of offenders convicted of a crime, a duty to make recommendations concerning the adoption of sentencing guidelines. Section 12 of this bill repeals certain duties of the Advisory Commission on the Administration of Justice under existing law, as those duties are reenacted and replaced in section 6.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 17 of this bill authorizes the Nevada Sentencing Commission to request for each regular session of the Legislature the drafting of not more than 1 legislative measure which relates to matters within the scope of the Sentencing Commission.

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 the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *The Legislature hereby finds, and declares to be the public policy of this State, that:*

1. *Sentencing and corrections policies should embody fairness, consistency, proportionality and opportunity.*

2. *The laws of this State should convey a clear and purposeful rationale regarding sentencing and corrections. The statutes governing criminal justice should articulate the purpose of sentencing, and related policies and practices should be logical, understandable and transparent to stakeholders and the public.*

3. *A continuum of sentencing and corrections options should be available, with imprisonment reserved for the most serious offenders and adequate community programs for diversion and supervision of other offenders.*

4. *Sentencing and corrections policies should be resource sensitive as those policies may impact costs, inmate populations and public safety. Criminal justice agencies should strive to effectively measure costs and benefits.*

5. *Criminal justice information should be a foundation for effective data driven sentencing and corrections policies.*

6. *Sentencing and corrections policies should reflect current circumstances and needs.*

7. *Strategies to reduce crime and victimization should involve prevention, treatment, health and labor and must endeavor to utilize all available federal, academic and private resources and expertise.*

Sec. 4. *As used in sections 4 to 11, inclusive, of this act, "Sentencing Commission" means the Nevada Sentencing Commission created by section 5 of this act.*

Sec. 5. 1. *The Nevada Sentencing Commission is hereby created. The Sentencing Commission consists of:*

(a) *One member appointed by the Governor;*

(b) *One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;*

(c) *Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;*

(d) *One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;*

(e) *The Director of the Department of Corrections;*

(f) *The Attorney General;*

(g) *One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;*

(h) *One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;*

(i) *The State Public Defender;*

(j) One member who is a representative of ~~the~~ the office of a county public defender, appointed by the governing body of the State Bar of Nevada;

~~[(k)]~~ (k) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~[(l)]~~ (l) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~[(m)]~~ (m) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

~~[(n)]~~ (n) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~[(o)]~~ (o) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

~~[(p)]~~ (p) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

~~[(q)]~~ (q) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

~~[(r)]~~ (r) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

~~[(s)]~~ (s) Two members who are 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; ~~and~~

~~[(t)]~~ (t) Two members who are 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~~;

(u) The Director of the Department of Employment, Training and Rehabilitation; and

(v) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

2. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the

Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

6. The Sentencing Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

7. A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

8. A majority of the members of the Sentencing Commission 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 Sentencing Commission.

~~8.~~ A nonvoting alternate designated by a member pursuant to subsection 7 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

9. While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~9.~~ 10. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Sentencing Commission with such staff as is necessary to carry out the duties of the Sentencing Commission.

Sec. 6. The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. *Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.*

5. *Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.*

6. *Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.*

7. *Identify potential areas of sentencing disparity related to race, gender and economic status.*

8. *Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.*

9. *Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.*

10. *For each regular session of the Legislature, prepare a comprehensive report including:*

(a) The Sentencing Commission's recommended changes pertaining to sentencing;

(b) *The Sentencing Commission's findings and any recommendations for proposed legislation; and*

(c) *A reference to any legislative measure requested pursuant to section 17 of this act.*

➡ *The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than January 1 of each odd-numbered year.*

Sec. 7. 1. *The Chair of the Sentencing Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 4 to 11, inclusive, of this act.*

2. *Any money received pursuant to this section must be deposited in the Special Account for the Support of the Nevada Sentencing Commission, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Sentencing Commission and its activities pursuant to sections 4 to 11, inclusive, of this act.*

Sec. 8. 1. *To carry out its powers and duties pursuant to sections 4 to 11, inclusive, of this act, the Sentencing Commission, or any member thereof acting on behalf of the Sentencing Commission with a concurrence of a majority of the members of the Sentencing Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.*

2. *If any person fails to comply with a subpoena issued by the Sentencing Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Sentencing Commission may petition the district court for an order of the court compelling compliance with the subpoena.*

3. *Upon such a petition, the court shall enter an order directing the person subpoenaed 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 20 days after the date of service of the order, and show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.*

4. *If it appears to the court that the subpoena was regularly issued by the Sentencing Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.*

Sec. 9. 1. *The Department of Corrections shall:*

(a) *Provide the Sentencing Commission with any available statistical information or research requested by the Sentencing Commission and assist the Sentencing Commission in the compilation and development of information requested by the Sentencing Commission, including, without limitation, information or research concerning the facilities and institutions*

of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;

(b) If requested by the Sentencing Commission, make available to the Sentencing Commission the use of the computers and programs which are owned by the Department of Corrections; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The Division shall:

(a) Provide the Sentencing Commission with any available statistical information or research requested by the Sentencing Commission and assist the Sentencing Commission in the compilation and development of information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;

(b) If requested by the Sentencing Commission, make available to the Sentencing Commission the use of the computers and programs which are owned by the Division; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

Sec. 10. The Central Repository for Nevada Records of Criminal History shall provide the Sentencing Commission with any statistical data and information required to be collected pursuant to NRS 176.0128, as requested by the Sentencing Commission.

Sec. 11. The Department of Administration shall provide the Sentencing Commission with any projections on persons imprisoned, on probation, on parole and serving a term of residential confinement required pursuant to NRS 176.0129, as requested by the Sentencing Commission.

Sec. 12. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. ~~Identify~~ Except as otherwise provided pursuant to section 6 of this act, evaluate and study the elements of this State's system of criminal justice . ~~[which affect the sentences imposed for felonies and gross misdemeanors.~~

~~2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered~~

~~sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.~~

~~—3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:~~

~~—(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.~~

~~—(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.~~

~~—(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~—(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~—(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~—(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~—(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~—4.} 2. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:~~

~~(a) Policies relating to parole;~~

~~(b) Regulatory procedures and policies of the State Board of Parole Commissioners;~~

~~(c) Policies for the operation of the Department of Corrections;~~

~~(d) Budgetary issues; and~~

~~(e) Other related matters.~~

~~{5.} 3. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.~~

~~{6.} 4. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of~~

the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

~~{7.}~~ 5. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

~~{8.}~~ ~~Compile and develop statistical information concerning sentencing in this State.~~

~~—9.}~~ 6. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

~~{10.}~~ 7. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

~~{11.}~~ 8. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

~~{12.}~~ 9. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

~~{13.}~~ 10. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's

findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *For a regular session, the Nevada Sentencing Commission created by section 5 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.*

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

3. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 18. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, *and section 17 of this act* apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, *and section 17 of this act* for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 17 of this act* but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 18.5. 1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of \$8,336 for the operating and other costs relating to the participation of the legislative members of the Nevada Sentencing Commission created by section 5 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 20, 2019.

Sec. 19. 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. 20. This act becomes effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1130 to Senate Bill No. 451.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 488.

The following Assembly amendment was read:

Amendment No. 1078.

SUMMARY—Revises provisions relating to ~~[sexual offenses.]~~ certain crimes. (BDR 15-1086)

AN ACT relating to ~~[sexual offenses.]~~ crimes; establishing ~~[additional acts that constitute]~~ the crime of facilitating sex trafficking; establishing a rebuttable presumption that certain children who commit the crime of sex trafficking or facilitating sex trafficking are acting under duress; establishing the privilege of confidential communication between persons who are victims of human trafficking and certain advocates for those victims; requiring the Department of Health and Human Services to develop a Medicaid service package to assist victims of sexual trauma who are eligible for Medicaid; authorizing the Department to adopt regulations relating to the development of such a Medicaid service package; requiring the Department to hold certain periodic meetings relating to sex trafficking; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain specific acts that constitute the crime of sex trafficking and sets forth the penalties imposed upon a person who is found guilty of sex trafficking. Such penalties vary depending on whether the victim of sex trafficking is an adult or a child and, if a child, the age of the child. (NRS 201.300) Section ~~4~~ 3 of this bill establishes the crime of

facilitating sex trafficking and provides that a person is guilty of ~~sex trafficking~~ such a crime if he or she: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State ~~for~~ with the ~~purpose of causing~~ intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) ~~advertises,~~ sells ~~for offers to sell~~ travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means ~~for~~ with the ~~purpose~~ intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim ~~is compelled~~ has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. Section 3 provides that a person who is guilty of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or a child. Section 4 of this bill provides that if a person who is less than 18 years of age and is a victim of sex trafficking or facilitating sex trafficking commits the crime of sex trafficking or facilitating sex trafficking and is prosecuted in a criminal proceeding as an adult, there is a rebuttable presumption that the person acted under duress.

Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim's advocate who works for a nonprofit program that provides assistance to victims of those crimes. (NRS 49.2541-49.2549) Section 6 of this bill defines the crime of "human trafficking," and section 8 of this bill revises the definition of "victim" to include a person who alleges that an act of human trafficking has been committed against the person, thus authorizing the person to assert the privilege of confidential communication between the person and a victim's advocate.

Section ~~24~~ 9 of this bill requires the Department of Health and Human Services to develop a Medicaid service package called the Sexual Trauma Services Guide for the purpose of assisting victims of sexual trauma who are eligible for Medicaid. Section ~~24~~ 9 requires the Department to post information relating to the Sexual Trauma Services Guide on the Internet website of the Department and to make such information available to any person upon request at the office of the Department. Section ~~24~~ 9 also authorizes the Department to adopt regulations relating to the development of the Sexual Trauma Services Guide.

In 2016, the Governor established by executive order the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children. (Executive Order 2016-14 (5-31-2016)) The Coalition is required to prepare a comprehensive statewide strategic plan and recommendations regarding how

to address certain provisions of federal law relating to sex trafficking. Section ~~3~~ 10 of this bill requires the Department to hold periodic informational meetings for the purpose of coordinating the efforts of various entities to improve services for victims of sex trafficking and achieve the goals set forth in the statewide strategic plan developed by the Coalition.

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

Section 1. ~~[NRS 201.300 is hereby amended to read as follows:~~

~~201.300 1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.~~

~~2. A person:~~

~~(a) Is guilty of sex trafficking if the person:~~

~~— (1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;~~

~~— (2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;~~

~~— (3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; [or]~~

~~— (4) Facilitates, arranges, provides or pays for the transportation of a person to or within this State for the purpose of:~~

~~— (I) Causing the person to engage in prostitution in violation of subparagraph (1), (2) or (3);~~

~~— (II) Causing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3); or~~

~~— (III) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;~~

~~— (5) Advertises, sells or offers to sell travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:~~

~~—— (I) Engaging in sexual conduct with a person who is compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3);~~

~~—— (II) Soliciting a child who is compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3); or~~

~~—— (III) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720;~~

~~—— (6) Travels to or within this State by any means for the purpose of engaging in:~~

~~—— (I) Sexual conduct with a person who is compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3), with the knowledge that such a person is compelled to engage in such sexual conduct or prostitution; or~~

~~—— (II) Any act involving a child that is prohibited by NRS 200.710 or 200.720; or~~

~~—— (7) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.~~

~~—— (b) Who is found guilty of sex trafficking;~~

~~—— (1) An adult 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 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.~~

~~—— (2) A child:~~

~~—— (I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.~~

~~—— (II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.~~

~~—— (III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.~~

~~—— 3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.~~

~~—— 4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.~~

~~5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.] (Deleted by amendment.)~~

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. A person is guilty of facilitating sex trafficking if the person:

(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:

(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;

(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:

(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Soliciting a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720; or

(c) Travels to or within this State by any means with the intent of engaging in:

(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution;
or

(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720.

2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:

(a) If the victim is 18 years of age or older, 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.

(b) If the victim is less than 18 years of age, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.

Sec. 4. If a violation of NRS 201.300 or section 3 of this act is committed by a person who is:

1. Less than 18 years of age at the time of the commission of the violation;

2. Prosecuted in a criminal proceeding as an adult; and

3. A victim of sex trafficking or facilitating sex trafficking,

↪ there is a rebuttable presumption that the person who committed the violation acted under duress.

Sec. 5. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.

2. "Child" means a person less than 18 years of age.

3. "Induce" means to persuade, encourage, inveigle or entice.

4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

6. "Sexual conduct" means any of the acts enumerated in subsection 4.

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 6. Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:

"Human trafficking" means a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 18 U.S.C. § 1589, 1590 or 1591.

Sec. 7. NRS 49.2541 is hereby amended to read as follows:

49.2541 As used in NRS 49.2541 to 49.2549, inclusive, and section 6 of this act, the words and terms defined in NRS 49.2542 to 49.2545, inclusive, and section 6 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 49.2544 is hereby amended to read as follows:

49.2544 "Victim" means a person who alleges that an act of domestic violence, human trafficking or sexual assault has been committed against the person.

~~{Sec. 2.}~~ Sec. 9. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law, the Department shall develop a Medicaid service package called the Sexual Trauma Services Guide for the purpose of assisting victims of sexual trauma who are eligible for Medicaid.*

2. *The Department shall post information relating to the Sexual Trauma Services Guide, including, without limitation, information concerning the available services to which victims of sexual trauma are entitled, on the Internet website maintained by the Department and shall make such information available to any person upon request at the office of the Department.*

3. *The Department may adopt any regulations necessary to carry out the provisions of this section.*

~~[Sec. 3.]~~ Sec. 10. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall periodically hold informational meetings, as deemed appropriate by the Director, for the purpose of coordinating the efforts of various entities associated with the provision of services for victims of sex trafficking to improve such services, including, without limitation, to ensure that any applicable funding received by such entities is used in the most effective and efficient way possible to assist victims of sex trafficking and to achieve the goals set forth in the statewide strategic plan developed by the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children, established by the Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.

Senator Segerblom moved that the Senate concur in Assembly Amendment No. 1078 to Senate Bill No. 488.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 541.

The following Assembly amendment was read:

Amendment No. 1044.

JOINT ~~[SPONSOR: ASSEMBLYMAN]~~ SPONSORS: ASSEMBLYMEN ELLISON AND FRIERSON

SUMMARY—Enhances the criminal penalty for certain crimes committed against first responders. (BDR 15-1219)

AN ACT relating to crimes; enhancing the criminal penalty for certain crimes committed against first responders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which section 1 defines as any peace officer, firefighter or emergency medical provider acting in the normal course of duty, may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years.

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

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, NRS 200.471 which is punishable as a felony, NRS 200.481 which is punishable as a felony, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270 or 206.150 because of the fact that the victim is a first responder may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of any additional penalty imposed, 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 any additional penalty imposed.*

2. *A sentence imposed pursuant to this section:*

- (a) Must not exceed the sentence imposed for the crime; and*
- (b) Runs consecutively with the sentence prescribed by statute for the crime.*

3. *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.*

4. *As used in this section, "first responder" means any peace officer, firefighter or emergency medical provider acting in the normal course of duty. As used in this subsection:*

(a) "Emergency medical provider" has the meaning ascribed to it in NRS 450B.199.

(b) "Firefighter" has the meaning ascribed to it in NRS 450B.071.

(c) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 2. NRS 193.169 is hereby amended to read as follows:

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 or section 1 of this act must not be sentenced

to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, 453.3335, 453.3345 or 453.3351 *or section 1 of this act* even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

3. This section does not:

(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.

(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.

Sec. 3. The amendatory provisions of this act apply to an offense committed on or after October 1, 2017.

Senator Segerblom moved that the Senate concur in Assembly Amendment No. 1044 to Senate Bill No. 541.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 553.

The following Assembly amendment was read:

Amendment No. 1154.

SUMMARY—Authorizes and provides funding for the advance planning of the College of Engineering, Academic and Research Building and to complete planning and begin construction of a new building for the Medical School at the University of Nevada, Las Vegas. (BDR S-1244)

AN ACT relating to projects of capital improvement; authorizing and providing funding for the advance planning of the College of Engineering, Academic and Research Building and to complete planning and begin construction of a new building for the Medical School at the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the State Public Works Division of the Department of Administration the sum of \$1,750,000 to support the Division in carrying out the project numbered or otherwise described as Project 17-P09, Advance Planning UNLV College of Engineering, Academic and Research Building.

2. Any remaining balance of the appropriations made by subsection 1 must not be committed for expenditure after June 30, 2021, 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 17, 2021, 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 17, 2021.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the State Public Works Division of the Department of Administration the sum of \$25,000,000 to support the Division in carrying out the project numbered or otherwise described as Project 17-C15, Complete Planning and Begin Construction of a New Medical School Building, UNLV.

2. Money appropriated pursuant to subsection 1 may be allocated to the State Public Works Division upon the determination of the Interim Finance Committee that the money authorized to be expended for Project 17-C15 in section 2 of this act has been received.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, 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 17, 2021, 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 17, 2021.

Sec. 2. 1. Expenditure of the following ~~sum~~ sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized for the following project numbered or otherwise described as follows:

<u>Description</u>	<u>Project No.</u>	<u>Amount</u>
Advance Planning UNLV College of Engineering, Academic and Research Building.....	17-P09	\$1,750,000
<u>Complete Planning and Begin Construction of a New Medical School Building, UNLV</u>	<u>17-C15</u>	<u>\$25,000,000</u>

2. The State Public Works Division of the Department of Administration shall not execute a contract for construction of ~~the~~ a project listed in subsection 1 until the Division has determined that the funding authorized in subsection 1 for the project has been received and is available for expenditure for the project.

Sec. 3. The State Public Works Division of the Department of Administration shall carry out the provisions of this act as provided in

chapter 341 of NRS. The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

Sec. 4. All state and local governmental agencies involved in the design and construction of the ~~[project]~~ projects enumerated in this act shall cooperate with the State Public Works Division of the Department of Administration to expedite completion of the ~~[project]~~ projects.

Sec. 4.3. The State Controller shall transfer from the Account to Stabilize the Operation of the State Government created by NRS 353.288 to the State General Fund the sum of \$25,000,000 for the purpose of the appropriation to the Interim Finance Committee pursuant to section 1.5 of this act.

Sec. 4.5. It is the intent of the Legislature that the amounts authorized for the projects numbered or otherwise described in section 2 of this act must be expended before the amounts appropriated for those projects.

Sec. 4.7. The Nevada System of Higher Education and the State Public Works Division of the Department of Administration shall report to the Interim Finance Committee on a biannual basis within 30 days after each reporting period, with the first reporting period to cover the period between July 1, 2017, and December 31, 2017, on the status of the project numbered or otherwise described as Project 17-C15, Complete Planning and Begin Construction of a New Medical School Building, UNLV, including, without limitation:

1. Final determination on the size and location of the new building;
2. An update on the timeline for completion of construction of the new building;
3. A detailed plan for how funding in excess of the amounts authorized in section 2 of this act will be secured to complete construction of the new building;
4. Progress made on construction of the new building; and
5. An update on fundraising efforts for the project.

Sec. 5. This act becomes effective upon passage and approval.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1154 to Senate Bill No. 553.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 209, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 756 and 757 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

Conference Amendment No. 10.

SUMMARY—Revises provisions relating to insurance. (BDR 57-485)

AN ACT relating to insurance; authorizing the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers; limiting when a surplus lines broker may charge a fee; authorizing the Commissioner to adopt regulations for the charging and collection of certain fees for the purchase of individual or group life or health insurance or an individual or group annuity; authorizing an employee or authorized representative of a vendor to receive certain compensation relating to offering portable electronics insurance; revising provisions relating to the termination of the membership of a member of an association of self-insured public or private employers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commissioner of Insurance to make an examination of the affairs, transactions, accounts, records and assets of a nonprofit organization of surplus lines brokers. (NRS 685A.075) Section 7 of this bill authorizes the Commissioner to accept the report of an independent audit in lieu of an examination if the Commissioner deems an independent audit to be in the best interest of the residents of this State.

Existing law authorizes a surplus lines broker to charge a fee for procuring surplus lines coverage. (NRS 685A.155) Section 8 of this bill limits existing law by only authorizing a broker who places any insurance coverage with an authorized insurer to charge a fee for procuring surplus lines coverage.

Existing law authorizes the Commissioner to 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 life or health insurance or an annuity. (NRS 686A.230) Section 11 of this bill clarifies existing law by authorizing the Commissioner to 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 or an individual or group annuity.

Section 12 of this bill authorizes an employee or authorized representative of a vendor to receive from the vendor certain incidental compensation relating to offering coverage and enrolling a customer under a policy of portable electronics insurance. Section 6 of this bill makes conforming changes.

Existing law authorizes the Commissioner, with the approval of the State Board of Examiners, to enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks. (NRS 685A.185) Section 13 of this bill repeals this provision. Sections 9 and 10 of this bill make conforming changes.

Existing law sets forth that an employer who is a member of an association of self-insured public or private employers may terminate his or her membership at any time, as long as the member submits to the association a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. Existing law further requires this notice of intent to withdraw to include a statement indicating that the member has replaced his or her membership in the association with a certain other type of insurance. (NRS 616B.386) Section 12.5 of this bill amends existing law by requiring that the notice of intent to withdraw be deemed rescinded if the member does not provide to the association before the expiration of the 120-day period proof that the member has replaced his or her membership in the association with a certain other type of insurance.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 683A.325 is hereby amended to read as follows:

683A.325 1. Except as otherwise provided in NRS 683A.3687 ~~or~~ *or* 691D.220, a producer of insurance who is appointed as an agent may pay a commission or compensation for or on account of the selling, soliciting, procuring or negotiating of insurance in this State only to

a licensed and appointed producer of insurance of the insurer with whom insurance was placed or to a licensed producer acting as a broker.

2. A licensee shall not accept any commission or compensation to which the licensee is not entitled pursuant to the provisions of this title.

Sec. 7. NRS 685A.075 is hereby amended to read as follows:

685A.075 1. A nonprofit organization of surplus lines brokers may be formed to:

(a) Facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the Commissioner concerning surplus lines insurance;

(b) Provide a means for the review of all surplus lines coverage written in this State;

(c) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market;

(d) Receive and disseminate to brokers information relative to surplus lines coverages; and

(e) Charge members a filing fee, approved by the Commissioner, for the review of surplus lines coverages.

2. Every such organization shall exercise its powers through a board of directors and shall file with the Commissioner:

(a) A copy of its constitution, articles of agreement or association or certificate of incorporation;

(b) A copy of its bylaws, rules and regulations governing its activities;

(c) A copy of its plan of operations established and approved by the Commissioner;

(d) A current list of its members;

(e) The name and address of a resident of this State upon whom notices or orders of the Commissioner or processes issued at the direction of the Commissioner may be served; and

(f) An agreement that the Commissioner may examine the organization in accordance with the provisions of this section.

3. The Commissioner shall make an examination of the affairs, transactions, accounts, records and assets of such an organization and any of its members as often as the Commissioner deems necessary for the protection of the interests of the people of this State, but no less frequently than once every 3 years. The officers, managers, agents and employees of such an organization may be examined at any time, under oath, and shall provide to the Commissioner all books, records, accounts, documents or agreements governing its method of operation. The Commissioner shall furnish two copies of the examination report to the organization examined and shall notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations set forth therein. If the Commissioner finds such an organization or any member thereof to be in violation of this chapter, the Commissioner may, in addition to any administrative fine or penalty imposed pursuant to this Code, issue an order requiring the discontinuance of such violations. *In lieu of an examination conducted pursuant to this subsection, the Commissioner may accept the report of an independent audit of such an organization if the Commissioner deems that an independent audit is in the best interest of the residents of this State.*

4. The board of directors of such an organization must consist of not fewer than five persons. The members of the board must be appointed by the Commissioner and serve at the pleasure of the Commissioner.

5. A broker must be a member of such an organization as a condition of continued licensure under this chapter.

Sec. 8. NRS 685A.155 is hereby amended to read as follows:

685A.155 A broker who places any insurance coverage with an authorized insurer pursuant to subsection 3 of NRS 685A.060 may charge a fee for procuring surplus lines coverage. Except as otherwise provided by agreement between the insurer and broker, the fee must not exceed 20 percent of the premium charged, after deduction of any other commissions, fees and charges payable to the broker.

Sec. 9. NRS 685A.175 is hereby amended to read as follows:

685A.175 1. A broker who has written coverage for which this State is the insured's home state shall pay, by the date described in subsection 2, the tax for each calendar quarter as directed by the Commissioner and shall file as directed by the Commissioner a copy of a quarterly report which includes an accounting of:

- (a) The aggregate gross premiums for the quarter;
- (b) The aggregate of the return premiums received; *and*
- (c) The amount of tax remitted to the Commissioner . ~~[-; and~~
- ~~— (d) The distribution of the exposures of insureds by state in accordance with the requirements of any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185.]~~

↪ The report must be on a form approved by the Commissioner.

2. The tax filings and payments required by subsection 1 must be submitted by:

- (a) February 15 for the calendar quarter ending the preceding December 31.
- (b) May 15 for the calendar quarter ending the preceding March 31.
- (c) August 15 for the calendar quarter ending the preceding June 30.
- (d) November 15 for the calendar quarter ending the preceding September 30.

Sec. 10. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. ~~{Except as otherwise provided in subsection 6, on}~~ On or before the date described in subsection 2 of NRS 685A.175 for each quarter, each broker shall pay as directed by the Commissioner a tax on surplus lines coverages for which this State is the insured's home state written by the broker in unauthorized insurers during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

2. ~~{Except as otherwise provided in subsection 6, on}~~ On or before the date described in subsection 2 of NRS 685A.175 for each quarter, each insured for which this State is the home state shall pay as directed by the Commissioner a tax on independently procured insurance written for the insured by an unauthorized insurer during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

3. For the purposes of this section, the "premium" on surplus lines coverages includes:

- (a) The gross amount charged by the insurer for the insurance, less any return premium;
- (b) Any fee allowed by NRS 685A.155;
- (c) Any policy fee;
- (d) Any membership fee;
- (e) Any inspection fee; and
- (f) Any other fees or assessments charged by the insurer as consideration for the insurance.

↪ Premium does not include any additional amount charged for state or federal tax, or for executing or completing affidavits or reports of coverage.

4. All taxes collected as directed by the Commissioner pursuant to this section ~~{and not intended for disbursement to other states by a clearinghouse established through any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185}~~ must be promptly deposited with the State Treasurer ~~[-]~~ to the credit of the State General Fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.

~~{6. If the Commissioner has entered into a multi-state agreement pursuant to NRS 685A.185, the Commissioner may require that each broker who has written surplus line coverages for multi-state risks for which this State is the insured's home state and each insured for which this State is the home state who has obtained independently procured insurance for multi-state risks pay a premium tax:~~

~~— (a) For the portion of the premium allocated to Nevada, at the tax rate applicable to nonadmitted insurance pursuant to this chapter;~~

~~— (b) For the portion of the premium allocated to any other state that also participates in the multi-state agreement, at the tax rate applicable to nonadmitted insurance as established by that state; and~~

~~— (c) For the portion of the premium allocated to any other state that does not participate in the multi-state agreement, at the tax rate applicable to nonadmitted insurance pursuant to this chapter. The tax for this portion of the premium must be deposited with the State Treasurer, to the credit of the State General Fund, after it is processed by the clearinghouse established through the multi-state agreement.]~~

Sec. 11. NRS 686A.230 is hereby amended to read as follows:

686A.230 1. A person shall not willfully collect any sum as a premium or charge for insurance which is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as authorized by this Code.

2. Except as otherwise provided in subsection 3, a person shall not willfully collect as a premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the Commissioner. In cases where classifications, premiums or rates are not required by this Code to be so filed and approved, the premiums and charges must not be in excess of those specified in the policy and as fixed by the insurer. This subsection does not prohibit:

(a) The charging and collection by surplus lines brokers licensed under chapter 685A of NRS of the amount permitted by chapter 685A of NRS and regulations adopted by the Commissioner.

(b) The charging and collection by a life insurer of amounts actually to be expended for the medical examination of any applicant for life insurance or for reinstatement of a life insurance policy.

3. The Commissioner may adopt regulations to allow the charging and collection of a fee by an insurance broker, consultant or financial planner:

(a) In lieu of any other charge or commission for solicitation, negotiation or procurement of a policy of insurance which covers commercial or business risks;

(b) For consultation or any related advice on the insuring of commercial or business risks which does not result in the procurement of a policy of insurance; and

(c) For consultation or related advice on the purchase of *individual or group* life or health insurance or an *individual or group* annuity, whether or not it results in the purchase of a policy of insurance or annuity. In such a case, the fee must be set forth in a written contract signed by the client before the consultation begins.

4. An agent or broker who provides consultation or related advice pursuant to this section shall do so pursuant to a written contract specifying the compensation the agent or broker will receive. The compensation may be in addition to or in lieu of a commission and is not a premium as defined in NRS 679A.115.

Sec. 12. NRS 691D.220 is hereby amended to read as follows:

691D.220 1. Notwithstanding any other provision of law, an employee or authorized representative of a vendor that holds a license as a producer of insurance in portable electronics insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 may, without a license issued by the Commissioner, sell or offer coverage under a policy of portable electronics insurance at any location at which the vendor does business if:

(a) The employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance only on behalf of, and under the supervision of, the vendor; and

(b) Before the employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance, he or she completes a program of training provided by the vendor pursuant to NRS 691D.300.

2. An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section shall not advertise, represent or otherwise hold himself or herself out as a licensed producer of insurance unless the person is licensed as a producer of insurance.

3. *An employee or authorized representative of a vendor who offers to a customer coverage under a policy of portable electronics insurance pursuant to this section and enrolls the customer under the policy may receive from the vendor compensation that is:*

(a) Incidental to the overall compensation received by the employee or authorized representative of the vendor; and

(b) Relating to the offering of the coverage and the enrolling of the customer under the policy of portable electronics insurance.

Sec. 12.5. NRS 616B.386 is hereby amended to read as follows:

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least \$500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least \$15,000, calculated in accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has, as determined by the Commissioner, either:

(1) A combined tangible net worth of all members in the association of at least \$5,000,000; or

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or \$7,500,000, whichever is less;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has, as determined by the Commissioner, either:

(1) A combined tangible net worth of all members in the association of at least \$5,000,000; or

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or \$7,500,000, whichever is less; and

(c) Has at least 15 members.

7. The Commissioner may withdraw approval of an application submitted pursuant to subsection 5 or 6 if the Commissioner determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association of self-insured public or private employers may terminate his or her membership at any time. To terminate his or her membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The notice of intent to withdraw ~~must include~~

~~a statement indicating~~ shall be deemed rescinded if the member does not provide to the association before the expiration of the 120-day period proof that the member has:

- (a) Been certified as a self-insured employer pursuant to NRS 616B.312;
- (b) Become a member of another association of self-insured public or private employers; or
- (c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for 60 days after notice is given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

- (1) Been certified as a self-insured employer pursuant to NRS 616B.312;
- (2) Become a member of another association of self-insured public or private employers;

or

- (3) Become insured by a private carrier.

11. If a member of an association changes his or her name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under the member's former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the member's period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 13. NRS 685A.185 is hereby repealed.

Sec. 14. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

685A.185 Multi-state agreement to collect premium tax on multi-state risks.

1. The Commissioner may, with the approval of the State Board of Examiners, on behalf of the State enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks.

2. If, within 18 months after the Commissioner enters into a multi-state agreement pursuant to subsection 1, the Commissioner conducts a hearing pursuant to the provisions of chapter 233B of NRS concerning participation in the multi-state agreement, the Commissioner shall submit to the State Board of Examiners and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the findings of the Commissioner pursuant to the hearing.

3. The State Board of Examiners shall review and may accept the findings of the Commissioner. If the Commissioner finds and the State Board of Examiners accepts that because of the effect of the multi-state agreement on the gross receipt of premiums collected in this State:

(a) It is in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's continued participation in the multi-state agreement.

(b) It is not in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's withdrawal from the multi-state agreement.

KELVIN ATKINSON

NICOLE J. CANNIZZARO

JAMES A. SETTELMAYER

Senate Conference Committee

SANDRA JAUREGUI

IRENE BUSTAMANTE ADAMS

TERESA BENITEZ-THOMPSON

Assembly Conference Committee

Senator Atkinson moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 209.

Motion carried by a constitutional majority.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 10:40 p.m.

SENATE IN SESSION

At 11:14 p.m.

President Hutchison presiding.

Quorum present.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89701

June 5, 2017

THE HONORABLE AARON D. FORD, *Nevada Legislature*

401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am returning Senate Bill 357 to the 79th Session of the Nevada Legislature without my approval, accompanied by my letter of objection.

Sincere regards,

BRIAN SANDOVAL

Governor of Nevada

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that vetoed Senate Bill No. 357 of the 79th Session be made a Special Order of Business for Monday, June 5, 2017, at 11:20 p.m.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Joint Resolution No. 17 of the 78th Session, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 894 of the Assembly be receded from and a 2nd reprint be created in accordance with this action.

TICK SEGERBLOM
MICHAEL ROBERSON
AARON D. FORD

Senate Conference Committee

AMBER JOINER
DANIELE MONROE-MORENO
JOHN HAMBRICK

Assembly Conference Committee

Senator Roberson moved that the Senate adopt the report of the Conference Committee concerning Senate Joint Resolution No. 17 of the 78th Session.

Motion carried by a constitutional majority.

SPECIAL ORDERS OF THE DAY
VETO MESSAGES OF THE GOVERNOR

The hour of 11:20 p.m. having arrived, vetoed Senate Bill No. 357 of the 79th Session was considered.

Vetoed Senate Bill No. 357.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

June 5, 2017

THE HONORABLE AARON D. FORD, *Nevada State Senate*
401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 357, which is entitled:

AN ACT relating to apprentices; prohibiting a public body from awarding certain acts for a public work to a contractor unless the contractor complies with certain requirements relating to the use of apprentices on public works or pays a monetary penalty; prohibiting a contractor on certain public works from awarding subcontracts for more than 5 percent of the value of the public work to a subcontractor unless the subcontractor complies with certain requirements relating to the use of apprentices on public works or pays a monetary penalty; revising provisions relating to apprenticeship programs; and providing other matters properly relating thereto.

There is no question that apprenticeship programs have historically played a critical role in providing essential training for workers in high-growth, high-demand occupations. Apprenticeship programs will continue to play an important role in workforce development, particularly as Nevada's economy becomes more diversified, and more job opportunities emerge in 21st century industries and professionals. To the extent S.B. No. 357 seeks to further integrate apprenticeship programs into Nevada's workforce investment system, the legislation is not without merit.

The ultimate effect of this bill, however, will be to provide a significant advantage for some contractors, while penalizing others, based not upon the performance of the contractors, but simply upon the number of apprentices the contractor is able to employ. S.B. No. 357 would require any contractor offering a bid for a public works contract to first obtain certification that a certain percentage of work performed by the contractor is performed by apprentice employees. Failure to obtain such certification would require the payment of a penalty before a bid could be submitted, the proceeds of which would be dedicated exclusively to promoting apprenticeship programs within a single industry. These provisions are not only restrictive and burdensome, they are also unrelated in any rational way to ensuring that contracts are awarded to bidders based upon their competitiveness, their demonstrated quality of work, or whether their offer constitutes the best value for taxpayer-funded projects.

While it may be in the best interest of some contractors to employ a certain number of apprentices, it may be cost-prohibitive for others particularly given the relatively low number of apprenticeship programs in Nevada at the present time. The U.S. Department of Labor has published data with regard to apprenticeship programs in Nevada indicating that our state is near the bottom of the list in terms of active, approved apprenticeship programs. This, it is a real possibility that the provisions of S.B. No. 357 will exclude a significant number of contractors from the bidding process of public works contracts. Moreover, in 2016, the U.S. Department of Labor included Nevada as one of only four states nationwide that approved no new apprenticeship programs, compared with eleven other states that approved at least 50 new programs. Such a low number of apprenticeship programs relative to national averages, it is clear that requiring contractors to employ a certain number of apprentices in order to compete for public works contracts will benefit a small number of bidding companies while penalizing many others.

Additionally, section 4.7 of S.B. No. 357 requires the proceeds of the penalties assessed against a contractor with few or no apprentice employees to be used exclusively for "programs for the recruitment, education and training to construction workers." Promoting apprenticeship programs that train workers for occupations in the construction industry is a worthwhile effort, but promoting apprenticeship programs exclusively within a single industry fails to recognize the vast potential of industries that are quickly defining the New Nevada economy. Furthermore, focusing exclusively on promoting worker training programs within a single industry potentially runs afoul of federal regulations regarding state oversight of apprenticeship programs. 29 CFR §29.13 requires state planning for oversight of apprenticeship programs to "demonstrate linkages and coordination on with the State's economic development and strategies and publically-funded workforce investment system." S.B. No. 357 reflects an effort to promote apprenticeships within a single industry, ignoring the role apprentice programs must continue to play in the State's broader economic development and workforce investment strategies.

Finally, it should be noted that opposition to S.B. No. 357 has been voiced by the Nevada Association of General Contractors, based upon the fact that no recognized apprenticeship programs exist for roofing, landscaping, glazing and other industries. Opposition was also expressed by the Associated Builders and Contractors, local chambers of commerce, and other private construction businesses in Nevada.

For these reasons, I veto S.B. No. 357 and return it without my signature or approval.

Sincerely,

BRIAN SANDOVAL
Governor of Nevada

The question was put "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Atkinson moved no further consideration of vetoed Senate Bill No. 357.

Motion carried.

UNFINISHED BUSINESS REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 376, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 682 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

Conference Amendment No. 9.

SUMMARY—Revises provisions relating to ~~{certain agreements between heir finders and apparent heirs;}~~ gaming. (BDR ~~{12-480}~~ 41-480)

AN ACT relating to ~~{estates;}~~ gaming; revising provisions relating to ~~{certain agreements between heir finders and apparent heirs;}~~ the confidentiality of certain information and data

provided by gaming applicants and licensees to state agencies that regulate gaming; clarifying the privileged nature of such information and data; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that ~~an agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if it is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. (NRS 139.135) This bill authorizes a court, upon a showing of good cause, to extend the period of unenforceability until 180 days after the death of such a person.~~ certain information and data provided by gaming applicants and licensees to state agencies that regulate gaming are confidential and privileged. (NRS 463.120) Sections 1.4, 1.7 and 2 of this bill clarify the privileged nature of such information and data when it is provided by gaming applicants and licensees to those state agencies in connection with their regulatory, investigative or enforcement authority. However, section 2.5 of this bill also clarifies that the provisions of this bill do not affect any occupation, profession, business or industry other than the gaming industry regulated pursuant to the Nevada Gaming Control Act. (Chapter 463 of NRS)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~{NRS 139.135 is hereby amended to read as follows:~~

~~139.135 1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. Upon a showing of good cause, the court may extend such a period until 180 days after the death of the person.~~

~~2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:~~

~~(a) A person acting in the capacity of a personal representative or guardian ad litem;~~

~~(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or~~

~~(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.} (Deleted by amendment.)~~

Sec. 1.4. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system, relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; or

(e) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing,

are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Notwithstanding any other provision of state law, if any applicant or licensee provides or communicates any information and data to an agent or employee of the Board or Commission in connection with its regulatory, investigative or enforcement authority:

(a) All such information and data are confidential and privileged and the confidentiality and privilege are not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country in connection with its regulatory, investigative or enforcement authority, regardless of whether such information and data are shared or have been shared either before or after being provided or communicated to an agent or employee of the Board or Commission; and

(b) The applicant or licensee has a privilege to refuse to disclose, and to prevent any other person or governmental agent, employee or agency from disclosing, the privileged information and data.

7. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

~~{7}~~ 8. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

~~{8}~~ 9. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

~~{9}~~ 10. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

11. For the purposes of this section, "information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.

Sec. 1.7. NRS 49.015 is hereby amended to read as follows:

49.015 1. Except as otherwise required by the Constitution of the United States or of the State of Nevada, and except as otherwise provided in this title or title 14 of NRS, or NRS 41.071 ~~or 463.120 or any other specific statute~~, no person has a privilege to:

- (a) Refuse to be a witness;
- (b) Refuse to disclose any matter;
- (c) Refuse to produce any object or writing; or
- (d) Prevent another from being a witness or disclosing any matter or producing any object or writing.

2. This section does not:

- (a) Impair any privilege created by title 14 of NRS or by the Nevada Rules of Civil Procedure which is limited to a particular stage of the proceeding; or
- (b) Extend any such privilege to any other stage of a proceeding.

Sec. 2. The confidentiality and privilege set forth in the amendatory provisions of this act apply to ~~agreements described~~ any request made on or after the effective date of this act to obtain any information or data, as defined in section 1.4 of this act ~~that are entered into on or after October 1, 2017,~~ that is or has been provided or communicated by an applicant or licensee to an agent or employee of the Nevada Gaming Control Board or the Nevada Gaming Commission in connection with its regulatory, investigative or enforcement authority.

Sec. 2.5. The confidentiality and privilege set forth in the amendatory provisions of this act must not be construed as:

1. A legislative declaration or pronouncement of the public policy of this State with regard to any occupation, profession, business or industry other than the gaming industry regulated pursuant to the Nevada Gaming Control Act in chapter 463 of NRS; or

2. A legislative bar or barrier that limits or precludes a court or agency from recognizing, interpreting or applying any confidentiality and privilege pursuant to any other statute or the common law, including, without limitation, any confidentiality and privilege for self-evaluative assessments, self-critical analysis or self-appraisals of a person's compliance with statutory or regulatory requirements.

Sec. 3. This act becomes effective upon passage and approval.

TICK SEGERBLOM
NICOLE CANNIZZARO

Senate Conference Committee

STEVE YEAGER
JAMES OHRENSCHALL

Assembly Conference Committee

Senator Segerblom moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 376.

Motion carried by a constitutional majority.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:23 p.m.

SENATE IN SESSION

At 11:44 p.m.

President Hutchison presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 368, Amendments Nos. 1060, 1164, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 368.

The following Assembly amendments were read:

Amendment No. 1060.

SUMMARY—Revises provisions relating to criminal procedure.
(BDR 14-113)

AN ACT relating to criminal procedure; establishing requirements concerning certain motions to suppress evidence; providing for the return and inadmissibility as evidence of property which is seized as a result of certain unlawful stops or seizures and subsequent arrests and searches; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Generally, the exclusionary rule requires courts to exclude evidence that law enforcement obtains in violation of the Fourth Amendment of the United States Constitution, which bars unreasonable searches and seizures. The United States Supreme Court and the Nevada Supreme Court recognized an exception to the exclusionary rule under the "attenuation doctrine," holding that "when [a] constitutional violation is far enough removed from the acquisition of the evidence, the violation is sufficiently 'attenuated [so] as to dissipate the taint' of the illegality and the evidence may be admitted." (*Torres v. State*, 131 Nev. Adv. Op. 2, 341 P.3d 652 (2015), citing *Wong Sun v. United States*, 171 U.S. 471, 491 (1993)) However, the Nevada Supreme Court in *Torres* held that the discovery of a warrant of arrest does not purge the taint from an illegal seizure and that the attenuation doctrine does not apply under such circumstances. *See Torres*, 131 Nev. Adv. Op. 2, at 11, 341 P.3d at 658.

In 2016, the United States Supreme Court extended the attenuation doctrine to admit evidence seized in situations in which a law enforcement officer makes an unconstitutional investigatory stop, discovers during the stop that the person stopped is the subject of an outstanding arrest warrant, arrests the person and seizes evidence in a search conducted incident to the arrest. (*Utah v. Strieff*, 579 U.S. ___, 136 S.Ct. 2056 (2016)) Pursuant to the decision of the United States Supreme Court in *Strieff*, the judgment of the Nevada Supreme Court in *Torres* was vacated and the attenuation doctrine was extended to allow the admissibility of evidence seized under such circumstances. (*State v. Torres*, 136 S.Ct. 2505 (2016)) Section 1.5 of this

bill provides that the attenuation doctrine is not extended to permit the admissibility of evidence seized under such circumstances.

Section 1 of this bill requires that a motion to suppress evidence : ~~[in any criminal proceeding in which the defendant is charged with a felony or gross misdemeanor:]~~ (1) ~~[be made in the district court having jurisdiction after any preliminary hearing; (2)]~~ generally be in writing; and ~~[(3) be made in accordance]~~ (2) if submitted in writing, comply with all applicable provisions of law and court rules governing the procedure for filing such a motion. However, section 1 authorizes a motion to suppress evidence which is made in justice court to be made orally unless a party requests that the motion be submitted in writing.

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

Section 1. Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[A motion to suppress evidence in any criminal proceeding in which the defendant is charged with a felony or gross misdemeanor must be made in the district court having jurisdiction after any preliminary hearing. Such a motion must be:]~~

1. Except as otherwise provided in subsection 2, paragraph (a) of subsection 2 of NRS 174.125 or any other provision of law, a motion to suppress evidence must be in writing . ~~[; and]~~

2. ~~[Made in accordance]~~ A motion to suppress evidence which is made in justice court may be made orally unless a party requests that the motion be submitted to the court in writing. If a party requests that the motion to suppress evidence be submitted in writing, the court must allow the parties an opportunity to brief the issue in writing.

3. A written motion to suppress evidence must comply with all applicable provisions of law and court rules governing the procedure for filing such a motion.

Sec. 1.5. NRS 179.085 is hereby amended to read as follows:

179.085 1. A person aggrieved by an unlawful search and seizure or the deprivation of property may move the court having jurisdiction where the property was seized for the return of the property on the ground that:

- (a) The property was illegally seized without warrant;
- (b) The warrant is insufficient on its face;
- (c) There was not probable cause for believing the existence of the grounds on which the warrant was issued;
- (d) The warrant was illegally executed; or
- (e) Retention of the property by law enforcement is not reasonable under the totality of the circumstances.

➡ The judge shall receive evidence on any issue of fact necessary to the decision of the motion.

2. If the motion is granted on a ground set forth in paragraph (a), (b), (c) or (d) of subsection 1, the property must be restored and it must not be admissible evidence at any hearing or trial.

3. If the motion is granted on the ground set forth in paragraph (e) of subsection 1, the property must be restored, but the court may impose reasonable conditions to protect access to the property and its use in later proceedings.

4. *If a peace officer:*

(a) *Makes an unlawful stop or seizure of a person;*

(b) *Discovers that there is an outstanding warrant for the arrest of the person;*

(c) *Arrests the person pursuant to the outstanding warrant of arrest;*

(d) *Conducts a search pursuant to that arrest; and*

(e) *Seizes property which is discovered during that search,*

↪ *a person aggrieved by the seizure or the deprivation of the property may move the court having jurisdiction where the property was seized for the return of the property on the ground that the property was seized as the result of an unlawful stop or seizure. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted, the property must be restored and it must not be admissible evidence at any hearing or trial. For the purposes of this subsection, the discovery of an outstanding warrant of arrest shall be deemed not to purge the taint of an unlawful stop or seizure and not to attenuate the connection between the unlawful stop or seizure and the seizure of property during a search incident to an arrest pursuant to the outstanding warrant of arrest.*

5. A motion to suppress evidence on any ground set forth in paragraphs (a) to (d), inclusive, of subsection 1 ~~[may also] or pursuant to subsection 4 must be made in [the court where the trial is to be had. The motion must be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.~~

~~—5.] accordance with NRS 174.125 and section 1 of this act.~~

6. If a motion pursuant to this section is filed when no criminal proceeding is pending, the motion must be treated as a civil complaint seeking equitable relief.

Sec. 2. ~~[NRS 189.120 is hereby amended to read as follows:~~

~~189.120 1. [The] In a case in which a defendant is charged only with any misdemeanor offense and not any offense that is a gross misdemeanor or felony, the State may appeal to the district court from an order of a justice court granting the motion of [a] the defendant to suppress evidence.~~

~~2. Such an appeal [shall] must be taken:~~

~~(a) Within 2 days after the rendition of such an order during a trial. [or preliminary examination.]~~

~~—(b) Within 5 days after the rendition of such an order before a trial, [or preliminary examination.]~~

~~—3. Upon perfecting such an appeal:~~

~~—(a) After the commencement of a trial, [or preliminary examination,] further proceedings in the trial [shall] must be stayed pending the final determination of the appeal.~~

~~—(b) Before trial, [or preliminary examination,] the time limitation within which a defendant [shall] must be brought to trial [shall] must be extended for the period necessary for the final determination of the appeal. (Deleted by amendment.)~~

Sec. 3. This act becomes effective upon passage and approval.

Amendment No. 1164.

SUMMARY—~~[Revises provisions relating to criminal procedure.]~~
Provides for compensation of state employees. (BDR ~~[14-113])~~ S-113)

AN ACT relating to ~~[criminal procedure; establishing requirements concerning certain motions to suppress evidence; providing for the return and inadmissibility as evidence of property which is seized as a result of certain unlawful stops or seizures and subsequent arrests and searches;]~~ public employees; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Generally, the exclusionary rule requires courts to exclude evidence that law enforcement obtains in violation of the Fourth Amendment of the United States Constitution, which bars unreasonable searches and seizures. The United States Supreme Court and the Nevada Supreme Court recognized an exception to the exclusionary rule under the "attenuation doctrine," holding that "when a constitutional violation is far enough removed from the acquisition of the evidence, the violation is sufficiently 'attenuated so as to dissipate the taint' of the illegality and the evidence may be admitted." (Torres v. State, 131 Nev. Adv. Op. 2, 341 P.3d 652 (2015), citing Wong Sun v. United States, 171 U.S. 471, 491 (1993)) However, the Nevada Supreme Court in Torres held that the discovery of a warrant of arrest does not purge the taint from an illegal seizure and that the attenuation doctrine does not apply under such circumstances. See Torres, 131 Nev. Adv. Op. 2, at 11, 341 P.3d at 658.]~~

~~—In 2016, the United States Supreme Court extended the attenuation doctrine to admit evidence seized in situations in which a law enforcement officer makes an unconstitutional investigatory stop, discovers during the stop that the person stopped is the subject of an outstanding arrest warrant, arrests the person and seizes evidence in a search conducted incident to the arrest. (Utah v. Strieff, 579 U.S. —, 136 S.Ct. 2056 (2016)) Pursuant to the decision of the United States Supreme Court in Strieff, the judgment of the Nevada Supreme Court in Torres was vacated and the attenuation doctrine was extended to allow the admissibility of evidence seized under such~~

~~circumstances. (State v. Torres, 136 S.Ct. 2505 (2016)) Section 1.5 of this bill provides that the attenuation doctrine is not extended to permit the admissibility of evidence seized under such circumstances.~~

~~Section 1 of this bill requires that a motion to suppress evidence: (1) generally be in writing; and (2) if submitted in writing, comply with all applicable provisions of law and court rules governing the procedure for filing such a motion. However, section 1 authorizes a motion to suppress evidence which is made in justice court to be made orally unless a party requests that the motion be submitted in writing.~~

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

Delete existing sections 1 through 3 of this bill and replace with the following new sections 1 through 6:

Section 1. The approximate maximum salaries as set forth in section 1 of Assembly Bill No. 517 of this session must be increased by an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the State Board of Examiners for reimbursement to any department, commission or agency of the State of Nevada, including the Judicial Department of the State Government, which receives part or all of its funding from the State General Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of Assembly Bill No. 517 of this session and the amount budgeted for that purpose and to provide salary increases as provided in section 1 of this act:

For the Fiscal Year 2017-2018..... \$442,788

For the Fiscal Year 2018-2019..... \$888,644

2. There is hereby appropriated from the State Highway Fund to the State Board of Examiners for reimbursement to a state agency, which receives part or all of its funding from the State Highway Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of Assembly Bill No. 517 of this session and the amount budgeted for that purpose and to provide salary increases as provided in section 1 of this act:

For the Fiscal Year 2017-2018..... \$15,502

For the Fiscal Year 2018-2019..... \$31,612

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse from the appropriate fund to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to pay the salaries of the unclassified employees of the respective departments, commissions and agencies under the adjusted pay plan.

Sec. 3. 1. Except as otherwise provided in this act, to effect increases in salaries of approximately an additional 1 percent, effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$3,877,096 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$8,078,503, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified and nonclassified personnel of those departments, commissions and agencies, including the Judicial Department of the State Government, necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to pay the salaries of the classified and nonclassified employees of the respective departments, commissions and agencies under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 4. 1. To effect increases in salaries of approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State Highway Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$664,419 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$1,379,660, for the purpose of meeting any deficiencies which may exist between the appropriated money of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of classified personnel of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Department of Motor Vehicles, the Department of Public

Safety and the Nevada Transportation Authority out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the salaries of the classified employees of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 5. 1. To effect increases in salaries of approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$876,508 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$1,811,494, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified personnel of the Nevada System of Higher Education necessary under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.

2. To effect increases in salaries of approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$3,835,901 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$7,849,807, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for increasing the salaries of those professional employees of the Nevada System of Higher Education whose positions are included in the Executive Budget as approved by the 79th Session of the Nevada Legislature, to become effective on July 1, 2017.

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Nevada System of Higher Education out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated are limits and equal the amount of money available to pay the salaries of the classified and professional employees of the Nevada System of Higher Education under the adjusted pay plan. The sums appropriated by this section may not be

allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 6. 1. In addition to the increases required pursuant to section 8 of Assembly Bill No. 517 of this session, the salaries of the employees of the Legislative Counsel Bureau and of interim legislative operations shall be increased by approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018.

2. To effect the increases in salaries required pursuant to subsection 1, there is hereby appropriated from the State General Fund to the Legislative Fund for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of \$257,339 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of \$531,094, for the purpose of meeting any deficiencies which may be created between the money appropriated to the Legislative Fund as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the personnel of the Legislative Counsel Bureau necessary under an adjusted pay plan to become effective on July 1, 2017.

Sec. 7. Any remaining balance of an appropriation made by sections 2 to 6, inclusive, of this act must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 fund from which it was appropriated on or before September 20, 2019.

Sec. 8. 1. Money in subsection 1 of section 2 of this act and section 3 of this act may be transferred between those sections to finance the additional 1 percent salary increase authorized on July 1, 2017, and the additional 1 percent salary increase authorized on July 1, 2018.

2. Money in subsection 2 of section 2 of this act and section 4 of this act may be transferred between those sections to finance the additional 1 percent salary increase authorized on July 1, 2017, and the additional 1 percent salary increase authorized on July 1, 2018.

3. When determining the allocations of the money appropriated in sections 2 to 5, inclusive, of this act, the State Board of Examiners shall not distribute money to an account beyond the maximum salary need amount determined for the account. Appropriations established for an account within a department, agency or commission must not be distributed to another account within the department, agency or commission if that action results in the distribution of money beyond the maximum salary need amount determined for the account.

Sec. 9. 1. To effect the State of Nevada's share of the increases of salary of approximately an additional 1 percent effective July 1, 2017, and an additional 1 percent effective on July 1, 2018, for employees of the Tahoe Regional Planning Agency, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of not more than \$6,072 for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, and the sum of not more than \$12,265 for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019. The amounts transferred must not be used to increase an employee's base salary unless the State of California provides the required 2 for 1 matching funds. If such matching funds are not provided by the State of California, any amounts provided to the Tahoe Regional Planning Agency by the State of Nevada must be used as a one-time salary bonus.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Tahoe Regional Planning Agency out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the State of Nevada's share of the salaries of the employees of the Tahoe Regional Planning Agency under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than an increase in salaries described in this section.

Sec. 10. 1. Except as otherwise provided in this act, to effect salary increases effective January 7, 2019, in accordance with the provisions of NRS 223.050 for the Governor, NRS 224.050 for the Lieutenant Governor, NRS 225.050 for the Secretary of State, NRS 226.090 for the State Treasurer, NRS 227.060 for the State Controller and NRS 228.070 for the Attorney General, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of \$10,118 for the fiscal year beginning July 1, 2018, and ending on June 30, 2019.

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the various agencies of the State of Nevada out of the money appropriated by this section such sums of money required to pay the salaries of the elected officials set forth in subsection 1.

Sec. 11. This act becomes effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendments Nos. 1060, 1164 to Senate Bill No. 368.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moves to immediately transfer all "do pass" Assembly Bills to the Assembly.

Motion carried.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:47 p.m.

SENATE IN SESSION

At 11:49 p.m.

President Hutchison presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 550, Amendment No. 1153, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bill No. 209.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 550.

The following Assembly amendment was read:

Amendment No. 1153.

SUMMARY—Makes an appropriation to a disbursement account for costs relating to a human resource management information system for the Clark County School District ~~and~~ and an appropriation to the Washoe County School District for certain other expenses and an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc. for certain grants. (BDR S-1231)

AN ACT relating to financial administration; creating a disbursement account for administration by the Legislative Counsel Bureau; making an appropriation to the disbursement account for costs relating to a human resource management information system for the Clark County School District; making an appropriation to the Washoe County School District for certain expenses; making an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc. for certain grants; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby created in the State General Fund a disbursement account to be administered by the Legislative Counsel Bureau.

2. Money appropriated to the disbursement account must be allocated to the Clark County School District pursuant to section 2 of this act from time to time upon submittal by the School District to the Legislative Counsel Bureau of an appropriate request for an allocation that is based on costs incurred for a human resource management information system for the School District.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act the sum of \$17,000,000 for costs relating to a human resource management information system for the Clark County School District.

2. Upon acceptance of the first allocation of money appropriated by subsection 1, the Superintendent of the Clark County School District agrees to:

(a) Prepare and transmit progress reports to the Interim Finance Committee at 6-month intervals that describe each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the School District through December 31, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the School District through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the School District, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

Sec. 3. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after June 30, 2021, 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 17, 2021, 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 17, 2021.

Sec. 3.1. The State Controller shall transfer from the Account to Stabilize the Operation of the State Government created by NRS 353.288 to the State General Fund the sum of \$5,000,000 for unrestricted State General Fund use.

Sec. 3.3. There is hereby appropriated from the State General Fund to the Washoe County School District the sum of \$5,000,000 in Fiscal Year 2017-2018 for expenses related to information technology, buses and school police vehicles.

Sec. 3.5. Any remaining balance of the appropriation made by section 3.3 of this act must not be committed for expenditure after June 30, 2018, 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, 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.

Sec. 3.7. 1. There is hereby appropriated from the State General Fund to the Nevada Alliance of Boys and Girls Clubs, Inc. the following sums:

For the Fiscal Year 2017-2018..... \$1,000,000

For the Fiscal Year 2018-2019..... \$1,000,000

2. A Boys and Girls Club operating in this State may apply to the Nevada Alliance of Boys and Girls Clubs, Inc. for a grant of money from the appropriation made by subsection 1 to provide educational and life skills training.

3. Upon acceptance of the money appropriated by subsection 1, the Nevada Alliance of Boys and Girls Clubs, Inc. agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 21, 2018, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Alliance of Boys and Girls Clubs, Inc. through December 1, 2018.

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 20, 2019, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Alliance of Boys and Girls Clubs, Inc. through June 30, 2019; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Alliance of Boys and Girls Clubs, Inc., regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

Sec. 3.9. The sums appropriated by section 3.7 of this act are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 20, 2019.

Sec. 4. ~~[This]~~

1. This section and sections 1, 2 and 3 of this act ~~[becomes]~~ become effective upon passage and approval.

2. Sections 3.1 to 3.9, inclusive, of this act become effective on July 1, 2017.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1153 to Senate Bill No. 550.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:51 p.m.

SENATE IN SESSION

At 11:53 p.m.

President Hutchison presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 246.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 12.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12.

Resolution read.

Senator Ford moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 554.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bill No. 47.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bill No. 69.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bill No. 376.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 124, 146, 225, 355, 361, 373, 402, 427; Assembly Bills Nos. 23, 110, 122, 127, 144, 175, 205, 267, 290, 291, 328, 339, 371, 395, 408, 417, 436, 468, 472, 491, 505, 506, 507, 508, 509, 510, 514, 517, 518.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Peggy Lear Bowen.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President appointed Senators Cannizzaro, Gansert and Ratti as a Committee to wait upon the Assembly and to inform that honorably Body that the Senate is ready to adjourn *sine die*.

Mr. President appointed Senators Woodhouse, Farley and Cancela as a Committee to wait upon His Excellency, Brian Sandoval, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

A Committee from the Assembly, composed of Assemblymen Araujo, Sprinkle and Oscarson appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

President Hutchison moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:59 p.m.

SENATE IN SESSION

At 12:09 a.m.

President Hutchison presiding.

Quorum present.

Senator Cannizzaro reported that her Committee has informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Woodhouse reported that her Committee has informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Ford moved that the 79th Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried

Senate adjourned *sine die* at 12:19 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate