

SENATE BILL NO. 22—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to correctional institutions. (BDR 16-262)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to correctional institutions; requiring the Director of the Department of Corrections to establish and maintain a package program for certain offenders; authorizing the Department to adopt regulations relating to the authority of the Director to make certain deductions from the individual account of an offender and from the wages of an offender; requiring the Director to provide a monthly statement to each offender relating to the individual account of the offender; revising the order of priority of certain deductions from the individual account of an offender and from the wages of an offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution entitles a victim of crime to full and timely restitution and requires that all monetary payments, money and property collected from any person ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim. (Nev. Const. Art. 1, § 8A)

Under existing law, the Prisoners' Personal Property Fund is created as a trust fund. With certain exceptions, an offender in an institution or a facility of the Department of Corrections is required under existing law to deposit all money received by the offender during incarceration in an individual account in the Fund. The Director of the Department is also required under existing law to deposit in the Fund the net wages after certain deductions that are earned by an offender during incarceration and valuables of an offender received during incarceration. (NRS 209.241) With certain exceptions, existing law authorizes the Director of the Department of Corrections to make certain deductions from the individual account



of an offender or from the gross wages of an offender, including a deduction to meet an existing obligation for restitution to a victim. Under existing law, such deductions are made in accordance with an order of priority specific to whether the deduction is made from: (1) the individual account of an offender; (2) the wages of an offender whose hourly wage is equal to or greater than the federal minimum wage; or (3) the wages of an offender whose hourly wage is less than the federal minimum wage. (NRS 209.247, 209.463) **Sections 1.9 and 2** of this bill revise such orders of priority to comport with the relevant provisions in the Nevada Constitution concerning restitution.

For deductions from the individual account of the offender, **section 1.9**, in addition to the change in priority of the deduction concerning restitution, revises the order of priority of the following: (1) the deduction for credit to the Fund for the Compensation of Victims of Crime; and (2) the deduction for the fee imposed for genetic marker analysis.

For deductions from the wages of an offender whose hourly wage is equal to or greater than the federal minimum wage, **section 2**, in addition to the change in priority of the deduction concerning restitution, revises the order of priority of the following: (1) the deduction for credit to the Fund for the Compensation of Victims of Crime; (2) the deduction for credit to the individual account of the offender; (3) the deduction to offset the cost of maintaining the offender in the institution; and (4) the deduction to repay certain costs or to defray certain expenses.

For deductions from the wages of an offender whose hourly wage is less than the federal minimum wage, **section 2**, in addition to the change in priority of the deduction concerning restitution, revises the order of priority of the following: (1) the deduction for credit to the Fund for the Compensation of Victims of Crime; (2) the deduction for credit to the individual account of the offender; (3) the deduction to offset the cost of maintaining the offender in the institution; (4) the deduction to repay certain costs or to defray certain expenses; (5) the deduction for the fee imposed for genetic marker analysis; and (6) the deduction for expenses related to the release or funeral of the offender.

Existing law establishes various duties of the Director relating to the individual accounts of offenders. (NRS 209.241) In addition to such existing duties, **section 1.7** of this bill requires the Director to provide a monthly statement to each offender relating to the individual account of the offender. **Section 1.7** also: (1) requires the statement to include certain information; and (2) sets forth various requirements concerning the method for providing the statement to the offender.

Section 1.3 of this bill: (1) authorizes the Department to adopt regulations necessary for the Director to carry out the provisions of law relating to deductions from the individual account of offenders and from the wages of offenders; and (2) requires such regulations to be adopted in accordance with the provisions of the Nevada Administrative Procedure Act. **Section 2.5** of this bill makes a conforming change relating to the regulations.

Section 1.1 of this bill requires the Director to establish and maintain a package program for all offenders. **Section 1.1** authorizes the Director or the Medical Director to prohibit an offender from participating in the package program under certain circumstances. Finally, **section 1.1** provides that the contents of packages received through the package program are not subject to deductions relating to individual accounts of offenders.

Section 1.5 of this bill makes a conforming change relating to the revised order of priority for deductions made from the individual account of offenders and from the wages of offenders.



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

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.1 and 1.3 of this act.

3 **Sec. 1.1. 1.** *Except as otherwise provided in subsections 2*
4 *and 3, the Director shall establish and maintain a package*
5 *program for offenders.*

6 **2.** *The Director may prohibit an offender from participating*
7 *in the package program if the offender is in:*

8 *(a) Disciplinary segregation; or*

9 *(b) Administrative segregation and the prohibition is necessary*
10 *to ensure the safety of other offenders in administrative*
11 *segregation.*

12 **3.** *The Medical Director may prohibit an offender from*
13 *participating in the package program if:*

14 *(a) The offender is receiving medical care from the Medical*
15 *Director; and*

16 *(b) The prohibition is necessary to ensure the health of the*
17 *offender.*

18 **4.** *The contents of a package received by an offender*
19 *participating in the package program are not subject to any*
20 *deduction described in NRS 209.247.*

21 **5.** *As used in this section:*

22 *(a) "Administrative segregation" means the separation of an*
23 *offender from the general population which is imposed by*
24 *classification when the continued presence of the offender in the*
25 *general population or protective segregation would pose a serious*
26 *threat to life, property, self, staff, other offenders or to the security*
27 *or orderly operation of the facility or institution.*

28 *(b) "Disciplinary segregation" means the separation of an*
29 *offender from the general population for a specified period when*
30 *an offender has committed a serious violation of the rules of a*
31 *facility or an institution.*

32 *(c) "General population" means the status of offenders who*
33 *are incarcerated and do not have a special status.*

34 *(d) "Package program" means a program which authorizes an*
35 *offender to order at least one clothing package and one food*
36 *package, respectively, per quarter.*

37 *(e) "Protective segregation" means the separation of an*
38 *offender from the general population when the offender requests*
39 *or requires protection from other offenders for reasons relating to*
40 *health or safety.*

41 **Sec. 1.3. 1.** *The Department may adopt regulations*
42 *necessary to carry out the provisions of NRS 209.247 and 209.463.*



2. *Any regulations adopted pursuant to this section must be adopted in accordance with the provisions of chapter 233B of NRS.*

Sec. 1.5. NRS 209.192 is hereby amended to read as follows:

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. The Director shall deposit in the Fund the deductions made pursuant to *subparagraph (3) of* paragraph ~~(e)~~ (a) of subsection ~~3~~ or *subparagraph (2) of* paragraph ~~(b)~~ (a) of subsection ~~4~~ of NRS 209.463. The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended:

(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the Committee on Industrial Programs and the State Board of Examiners.

(b) For construction, the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.

4. If any money in the Fund is used as described in paragraph (d) of subsection 1, the Director shall repay the amount used as soon as sufficient money is available in the Fund for Prison Industries.



5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

6. As used in this section, "Fund" means Fund for New Construction of Facilities for Prison Industries.

Sec. 1.7. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) *Shall provide each offender with a monthly statement concerning the individual account of the offender.*

(e) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. *The monthly statement described in subsection 3:*

(a) *Must include, without limitation:*

(1) *The balance of the individual account of the offender;*

(2) *An itemized list of each deduction made from the individual account of the offender, including, without limitation:*

(I) *The amount of the deduction;*

(II) *The date of the deduction; and*

(III) *The purpose of the deduction; and*

(3) *The balance of any debts owed by the offender to the Department, including, without limitation, the amount of restitution owed by the offender, if any; and*

(b) *Must be provided to the offender:*



(1) *Electronically, free of charge; or*

(2) *In writing, upon the request of the offender, and if so provided, the Department may not charge the offender a fee relating to the provision of the written statement for the first two requests per year.*

5. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

~~[5.]~~ 6. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

~~[6.]~~ 7. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

~~[7.]~~ 8. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3923, 209.3925 or 209.429; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 1.9. NRS 209.247 is hereby amended to read as follows:

209.247 1. Except as otherwise provided in NRS 209.2475 ~~[.]~~ *and subsection 4 of section 1.1 of this act and subject to the limitation set forth in subsection 2,* the Director may make the ~~[following]~~ deductions ~~[, in the following order of priority,]~~ *described in subsection 3* from any money deposited in the



1 individual account of an offender from any source other than the
2 offender's wages. ~~;~~

3 ~~—1.]~~ 2. *The Director may not deduct more than 25 percent of*
4 *each deposit described in subsection 1.*

5 3. *The Director may deduct:*

6 (a) *In the following order of priority:*

7 (1) An amount the Director ~~[deems]~~ *considers* reasonable
8 ~~[for deposit with the State Treasurer for credit to the Fund for the~~
9 ~~Compensation of Victims of Crime created pursuant to~~
10 ~~NRS 217.260.~~

11 ~~—2.]~~ *to meet an existing obligation of the offender for restitution*
12 *to a victim of his or her crime;*

13 (2) An amount the Director considers reasonable to meet an
14 existing obligation of the offender for the support of the offender's
15 family ; ~~;~~

16 ~~—3.]~~ (3) An amount determined by the Director, with the
17 approval of the Board, to offset the cost of maintaining the offender
18 in the institution, as reflected in the budget of the Department ~~[. An]~~
19 *, and any* amount deducted pursuant to this ~~[subsection]~~
20 *subparagraph* may include, but is not limited to, an amount to
21 offset the cost of participation by the offender pursuant to NRS
22 209.4231 to 209.4244, inclusive, in a therapeutic community or a
23 program of aftercare, or both ; ~~;~~

24 ~~—4.]~~ (4) A deduction pursuant to NRS 209.246 ; ~~;~~

25 ~~—5.]~~ (5) An amount determined by the Director for deposit in a
26 savings account for the offender, in which interest on the money
27 deposited does not accrue, to be used for the payment of the
28 expenses of the offender related to his or her release or, if the
29 offender dies before his or her release, to defray expenses related to
30 arrangements for the offender's ~~[funeral].~~

31 ~~—6.]~~ *funeral;*

32 (6) *An amount the Director deems reasonable for deposit*
33 *with the State Treasurer for credit to the Fund for the*
34 *Compensation of Victims of Crime created pursuant to*
35 *NRS 217.260;*

36 (7) An amount the Director considers reasonable to ~~[meet an~~
37 ~~existing obligation of]~~ *pay the balance of any fee imposed upon* the
38 offender for ~~[restitution to a victim of his or her crime.]~~ *genetic*
39 *marker analysis and included in the judgment entered against the*
40 *offender pursuant to NRS 176.0915;*

41 ~~[7.]~~ (8) An amount the Director considers reasonable to pay the
42 balance of an administrative assessment included in the judgment
43 entered against the offender for each crime for which the offender is
44 incarcerated and the balance of an unpaid administrative assessment
45 included in a judgment entered against the offender for a crime



committed in this state for which the offender was previously convicted ~~[-An]~~, *and any* amount deducted from a source other than the wages earned by the offender during his or her incarceration, pursuant to this ~~[subsection,]~~ *subparagraph*, must be submitted:

~~[(a)]~~ (I) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated ~~[-~~

~~-(b)] ; or~~

(II) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid ~~[-~~

~~-8.] ; and~~

(9) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted ~~[-An]~~, *and any* amount deducted from any source other than the wages earned by the offender during his or her incarceration, pursuant to this ~~[subsection,]~~ *subparagraph*, must be submitted:

~~[(a)]~~ (I) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated ~~[-~~

~~-(b)] ; or~~

(II) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which any fine or administrative assessment is owing, until the balance owing has been paid ~~[-~~

~~-9. An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.~~

~~→ The Director shall determine the priority of any] ; and~~

(b) *Any* other deduction authorized by law from any source other than the wages earned by the offender during his or her incarceration ~~[-]~~, *the deduction of which must be made in an order of priority determined by the Director.*



Sec. 2. NRS 209.463 is hereby amended to read as follows:

209.463 **1.** Except as otherwise provided in NRS 209.2475, *and subject to the limitation set forth in subsection 2*, the Director may make the ~~[following]~~ deductions ~~[, in the following order of priority,]~~ *described in subsection 3 or 4, as applicable*, from the wages earned by an offender from any source during the offender's incarceration. ~~;~~

~~—1.]~~ **2.** *The Director may not deduct more than 50 percent of the wages described in subsection 1 for each pay period of the offender.*

3. If the hourly wage of the offender is equal to or greater than the federal minimum wage ~~;~~, *the Director may deduct:*

(a) *In the following order of priority:*

(1) An amount the Director ~~[deems]~~ *considers* reasonable ~~[for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.~~

~~—(b)]~~ *to meet an existing obligation of the offender for restitution to a victim of his or her crime;*

(2) An amount the Director considers reasonable to meet an existing obligation of the offender for the support of his or her family ;

(3) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries ; ~~;~~

~~—(d) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.~~

~~—(e)]~~ (4) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department ~~[. An]~~, *and any* amount deducted pursuant to this ~~[paragraph]~~ *subparagraph* may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both ; ~~;~~

~~—(f)]~~ (5) A deduction pursuant to NRS 209.246 ; ~~;~~

~~—(g)]~~ (6) *An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund;*

(7) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the



offender dies before his or her release, to defray expenses related to arrangements for his or her funeral ; ~~†~~

~~—(h)†~~ (8) An amount the Director considers reasonable ~~†to meet an existing obligation of the offender for restitution to any victim of his or her crime.†~~ *for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime;*

~~†(i)†~~ (9) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915 ; ~~†~~

~~—(j)†~~ (10) An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted ~~†. An†~~ , *and any* amount deducted from the wages of the offender pursuant to this ~~†paragraph†~~ *subparagraph* must be submitted:

~~†(1)†~~ (I) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated ~~†~~.

~~—(2)†~~ ; *or*

(II) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid ~~†~~.

~~—(k)†~~ ; *and*

(11) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted ~~†. An†~~ , *and any* amount deducted from the wages of the offender pursuant to this ~~†paragraph†~~ *subparagraph* must be submitted:

~~†(1)†~~ (I) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated ~~†~~.

~~—(2)†~~ ; *or*

(II) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court



that first entered a judgment for which a fine or administrative assessment is owing, until the balance owing has been paid ~~[-~~

~~→ The Director shall determine the priority of any~~ ; and

(b) Any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration ~~[-~~

~~—2.] , the deduction of which must be made in an order of priority determined by the Director.~~

4. If the hourly wage of the offender is less than the federal minimum wage ~~[-]~~ , the Director may deduct:

(a) In the following order of priority:

(1) An amount the Director ~~deems~~ considers reasonable ~~for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.] to meet an existing obligation of the offender for restitution to a victim of his or her crime;~~

~~[(b)]~~ (2) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries ; ~~[-~~

~~—(c) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.~~

~~—(d)]~~ (3) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department ~~[- An]~~ , and any amount deducted pursuant to this ~~paragraph]~~ subparagraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both ; ~~[-~~

~~—(e)]~~ (4) A deduction pursuant to NRS 209.246 ; ~~[-~~

~~—(f) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.~~

~~—(g)]~~ (5) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund;

(6) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to the offender's release or, if the offender dies before the offender's release, to defray expenses related to arrangements for the offender's funeral ; ~~[-]~~



(7) *An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime; and*

(8) *An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915; and*

~~{→ The Director shall determine the priority of any}~~

(b) *Any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration ~~{→}~~, the deduction of which must be made in an order of priority determined by the Director.*

Sec. 2.5. NRS 233B.039 is hereby amended to read as follows:
233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 ~~{→}~~ *and section 1.3 of this act*, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional



Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➔ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; or



1 (h) The adoption, amendment or repeal of regulations by the
2 Director of the Department of Health and Human Services pursuant
3 to NRS 447.335 to 447.350, inclusive.

4 6. The State Board of Parole Commissioners is subject to the
5 provisions of this chapter for the purpose of adopting regulations but
6 not with respect to any contested case.

7 **Sec. 3.** This act becomes effective on July 1, 2021.

