

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 14, 2021

Assembly called to order at 2:14 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Benjamin Zober.

Eternal God, open my lips that my mouth may declare Your praise. May the work within “these sacred walls” be worthy of the one who came before us, who gave bigotry no sanction, to persecution no assistance. May it blaze a path of an end to hardship, bloodshed. May it stand as a sentry, guaranteeing all the selfsame liberties as we would enjoy. And may it help bring about an age abundant in the most precious gift: that of peace, and a world of peace. May the One who creates harmony on high bring peace to us all.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 88, 167, 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 197, 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROCHELLE T. NGUYEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 62; Senate Bills Nos. 84, 237, 311, 352, 357, 358, 364, 368, 372, 398, 400, 404; Senate Joint Resolution No. 7; Senate Concurrent Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 43, 45, 49, 123, 193.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Concurrent Resolution No. 8.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Growth and Infrastructure.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 43.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 45.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 49.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 84.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 123.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 193.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 237.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 311.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 352.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 357.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 358.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 364.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 368.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 372.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 398.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 400.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 404.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 2.

Resolution read.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Joint Resolution 2 expresses the Legislature's support for various governmental entities to work collaboratively with land managers, land users, private landowners, water purveyors, and other stakeholders to identify watersheds that can be improved by better forest, rangeland, and soil health measures, and to identify or establish voluntary programs to address the health of forests, rangelands, and soil. This resolution is effective upon passage.

Roll call on Assembly Joint Resolution No. 2:

YEAS—34.

NAYS—Black, Dickman, Ellison, Leavitt, Matthews, McArthur, Titus, Wheeler—8.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 136.

AN ACT relating to gaming; revising certain definitions relating to gaming; requiring additional persons to register with the Nevada Gaming Control Board; revising provisions governing entry fees for contests and tournaments and compensation for online interactive gaming in the calculation of the monthly gaming license fee based on the gross revenue of the license holder; exempting certain officers and employees of the Board from the provisions governing the State Personnel System; authorizing the Nevada Gaming Commission to adopt regulations governing the use of electronic signatures for credit instruments; revising provisions governing certain fees collected upon the conclusion of a gaming operation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “credit instrument” as a writing for certain purposes evidencing a gaming debt owed to a person who holds a nonrestricted license. (NRS 463.01467) **Section 1** of this bill revises the definition of credit instrument to mean a record evidencing such a debt. Existing law requires gaming employees to register with the Nevada Gaming Control Board, including operators of certain call centers and information services. (NRS 463.0157, 463.335) **Section 2** of this bill expands the persons who are required to register with the Board to include: (1) employees of certain persons registered to operate as cash access and wagering instrument service providers; and (2) certain other persons designated by the Nevada Gaming Commission by regulation.

Existing law requires a credit instrument to be signed by a patron before a licensee may accept the instrument. (NRS 463.368) **Section 5** of this bill authorizes the Commission to promulgate regulations to allow a licensee to accept an electronic signature from a patron on a credit instrument. Existing law defines the term “slot machine wagering voucher” to mean a printed wagering instrument and requires such a voucher to be redeemed by a patron before the expiration date printed thereon under certain circumstances. (NRS 463.369) **Section 6** of this bill: (1) replaces the term “slot machine wagering voucher” with the term “wagering voucher”; (2) expands the definition of wagering voucher to include a digital representation of the wagering instrument; and (3) requires a wagering voucher to be redeemed by a patron before the expiration date assigned to the voucher under certain circumstances. **Section 8** of this bill makes a conforming change to reflect the replaced term.

Existing law specifies that elected officers and certain employees in the unclassified and classified service in the Executive Department of the State Government must be paid on a salary basis, are not entitled to overtime compensation and are not subject to disciplinary suspension for less than 1 week. (NRS 284.148) Certain employees of the Board are subject to the same limitations under existing law. (NRS 463.080) **Section 4** of this bill eliminates the applicability of such limitations to those employees of the Board, thereby making those employees subject solely to the requirements of the comprehensive plan that the Board is required to establish under existing law

governing employment, job classifications and performance standards and the retention and discharge of its employees.

Existing law requires each licensee to pay a monthly license fee to the Commission which consists of a certain percentage of the gross revenue of the licensee. (NRS 463.370) Existing law defines “gross revenue” as the total of certain enumerated gaming incomes minus certain enumerated deductions. (NRS 463.0161) **Section 3** of this bill : ~~(1) provides that gross revenue~~ ~~[- (1)]~~ includes cash collected as entry fees for the right to participate in contests and tournaments ~~[-; and (2) does not include cash]~~ ; **and (2) removes compensation** received for ~~[- the right to participate in]~~ **conducting** contests and tournaments held in conjunction with interactive gaming ~~[-]~~ **from the definition of gross revenue.**

Existing law requires each licensee who concludes a gaming operation to pay a fee: (1) on the final tax return of the licensee, based on the outstanding value of collectible credit instruments owed; or (2) monthly based on all compensation received in payment of any credit instrument. (NRS 463.3857) **Section 7** of this bill removes the monthly payment option.

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

Section 1. NRS 463.01467 is hereby amended to read as follows:

463.01467 “Credit instrument” means a ~~[-writing]~~ **record** which evidences a gaming debt owed to a person who holds a nonrestricted license at the time the debt is created, and includes any ~~[-writing]~~ **record** taken in consolidation, redemption or payment of a previous credit instrument.

Sec. 2. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. “Gaming employee” means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a

person involved in assisting the person in carrying out the duties of the person in this State;

(i) ***Employees of a person required by paragraph (e) of subsection 1 of NRS 463.160 to be registered to operate as a cash access and wagering instrument service provider;***

(j) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems or interactive gaming systems;

~~[(i)]~~ (k) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

~~[(k)]~~ (l) Employees of operators of inter-casino linked systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

~~[(l)]~~ (m) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

~~[(m)]~~ (n) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

~~[(n)]~~ (o) Floorpersons;

~~[(o)]~~ (p) Hosts or other persons empowered to extend credit or complimentary services;

~~[(p)]~~ (q) Keno runners;

~~[(q)]~~ (r) Keno writers;

~~[(r)]~~ (s) Machine mechanics;

~~[(s)]~~ (t) Odds makers and line setters;

~~[(t)]~~ (u) Security personnel;

~~[(u)]~~ (v) Shift or pit bosses;

~~[(v)]~~ (w) Shills;

~~[(w)]~~ (x) Supervisors or managers;

~~[(x)]~~ (y) Ticket writers;

~~[(y)]~~ (z) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

~~[(z)]~~ (aa) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; ~~and~~

~~—(aa)]~~ (bb) Temporary or contract employees hired by a licensee to perform a function related to gaming ~~]; and~~

(cc) ***Other persons whose duties are similar to the classifications set forth in paragraphs (a) to (bb), inclusive, as the Commission may from time to time designate by regulation.***

2. “Gaming employee” does not include barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, “local access” means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 3. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. “Gross revenue” means the total of all:

(a) Cash received as winnings;
(b) Cash received as entry fees for *the right to participate in* contests and tournaments ; ~~for other than contests and tournaments held in conjunction with interactive gaming;~~

(c) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(d) Compensation received for conducting any game ~~for or any contest or tournament in conjunction with interactive gaming;~~ in which the licensee is not party to a wager,

➔ less the total of all cash paid out as losses to patrons, all cash and the cost of any noncash prizes paid out to participants in contests or tournaments ~~for other than contests or tournaments held in conjunction with interactive gaming;~~ not to exceed the total ~~compensation~~ cash received for the right to participate in the contests or tournaments, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Uncollected baccarat commissions; or

(f) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, “baccarat commission” means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 4. NRS 463.080 is hereby amended to read as follows:

463.080 1. The Board may:

(a) Establish, and from time to time alter, such a plan of organization as it may deem expedient.

(b) Acquire such furnishings, equipment, supplies, stationery, books, motor vehicles and other things as it may deem necessary or desirable in carrying out its functions.

(c) Incur such other expenses, within the limit of money available to it, as it may deem necessary.

2. Except as otherwise provided in this chapter, all costs of administration incurred by the Board must be paid out on claims from the State General Fund in the same manner as other claims against the State are paid.

3. The Board shall, within the limits of legislative appropriations or authorizations, employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Board and Commission may require.

4. The members of the Board and all the personnel of the Board, except clerical employees, ~~and employees described in NRS 284.148,~~ are exempt from the provisions of chapter 284 of NRS. They are entitled to such leaves of absence as the Board prescribes, but such leaves must not be of lesser duration than those provided for other state employees pursuant to chapter 284 of NRS. ~~[Employees described in NRS 284.148 are subject to the limitations specified in that section.]~~

5. Clerical employees of the Board are in the classified service but are exempt from the provisions of chapter 284 of NRS for purposes of removal. They are entitled to receive an annual salary which must be fixed in accordance with the pay plan adopted under the provisions of that chapter.

6. The Board shall establish, and modify as necessary, a comprehensive plan governing employment, job classifications and performance standards, and retention or discharge of employees to assure that termination or other adverse action is not taken against such employees except for cause. The plan must include provisions for hearings in personnel matters and for review of adverse actions taken in those matters.

Sec. 5. NRS 463.368 is hereby amended to read as follows:

463.368 1. A credit instrument accepted on or after June 1, 1983, and the debt that the credit instrument represents are valid and may be enforced by legal process.

2. A licensee or a person acting on behalf of a licensee may accept an incomplete credit instrument which:

- (a) Is signed by a patron; and
- (b) States the amount of the debt in figures,

➡ and may complete the instrument as is necessary for the instrument to be presented for payment.

3. A licensee or person acting on behalf of a licensee:

(a) May accept a credit instrument that is payable to an affiliated company or may complete a credit instrument in the name of an affiliated company as payee if the credit instrument otherwise complies with this subsection and the

records of the affiliated company pertaining to the credit instrument are made available to agents of the Board upon request.

(b) May accept a credit instrument either before, at the time or after the patron incurs the debt. The credit instrument and the debt that the credit instrument represents are enforceable without regard to whether the credit instrument was accepted before, at the time or after the debt is incurred.

4. This section does not prohibit the establishment of an account by a deposit of cash, recognized traveler's check, or any other instrument which is equivalent to cash.

5. If a credit instrument is lost or destroyed, the debt represented by the credit instrument may be enforced if the licensee or person if acting on behalf of the licensee can prove the existence of the credit instrument.

6. A patron's claim of having a mental or behavioral disorder involving gambling:

(a) Is not a defense in any action by a licensee or a person acting on behalf of a licensee to enforce a credit instrument or the debt that the credit instrument represents.

(b) Is not a valid counterclaim to such an action.

7. Any person who violates the provisions of this section is subject only to the penalties provided in NRS 463.310 to 463.318, inclusive. The failure of a person to comply with the provisions of this section or the regulations of the Commission does not invalidate a credit instrument or affect the ability to enforce the credit instrument or the debt that the credit instrument represents.

8. The Commission may adopt regulations prescribing the conditions under which a credit instrument may be redeemed or presented to a bank or credit union for collection or payment.

9. The Commission may adopt regulations:

(a) Allowing a licensee to accept an electronic signature from a patron on a credit instrument; and

(b) Prescribing the conditions for the validity of such an electronic signature.

Sec. 6. NRS 463.369 is hereby amended to read as follows:

463.369 1. Whenever a nonrestricted licensee owes a patron a specific amount of money as the result of a ~~{slot-machine}~~ wagering voucher which remains unpaid because of the failure of the patron to claim the value, regardless of whether the identity of the patron is known, the nonrestricted licensee shall maintain a record of the obligation in accordance with the regulations adopted by the Commission.

2. Unless the Commission specifies by regulation a shorter period in which a ~~{slot-machine}~~ wagering voucher must be redeemed, upon the expiration date ~~{printed on}~~ **assigned to a {slot-machine}** wagering voucher issued in this State or 180 days after a wager is placed, whichever period is less, the obligation of the nonrestricted licensee to pay the patron any value remaining on a ~~{slot-machine}~~ wagering voucher expires.

3. Each nonrestricted licensee shall, for the previous calendar quarter, report to the Commission on or before the 15th day of the month following that calendar quarter any ~~slot machine~~ wagering voucher that expires pursuant to this section. The licensee shall remit to the Commission with each report payment equal to 75 percent of the value of the expired ~~slot machine~~ wagering vouchers included on the report.

4. The Commission shall pay over all money collected pursuant to this section to the State Treasurer to be deposited for credit to the State General Fund.

5. The Commission shall adopt regulations prescribing procedures which nonrestricted licensees must follow to comply with the provisions of this section.

6. As used in this section, ~~["slot machine wagering"]~~ **"wagering voucher"** means a printed wagering instrument, **or digital representation thereof**, issued by a gaming establishment operating under a nonrestricted license, that has a fixed dollar wagering value which can only be used to acquire an equivalent value of cashable credits or cash.

Sec. 7. NRS 463.3857 is hereby amended to read as follows:

463.3857 1. Except as otherwise provided in NRS 463.386, the Commission shall charge and collect from each licensee who concludes a gaming operation ~~†~~:

~~—(a) A † a fee, to be included on the final tax return at the close of operations and derived from application of the rates and monetary limits set forth in NRS 463.370, based on the total outstanding value of collectible credit instruments received as a result of that gaming operation which are held by the licensee and remain unpaid on the last tax day. †; or~~

~~—(b) A monthly fee on all cash or other compensation received by the licensee or any affiliate of the licensee in payment of any credit instrument received as a result of that gaming operation which is held by the licensee or any affiliate of the licensee and remains unpaid on the last tax day.~~

~~—2. The monthly fee must be:~~

~~—(a) Calculated by applying to the amount of cash or other compensation received in payment of a credit instrument during the month a rate derived from the application of the rates and monetary limits set forth in NRS 463.370 to the licensee's experience in receiving payment of credit instruments before concluding gaming operations; and~~

~~—(b) Collected and refunded pursuant to the regulations adopted by the Commission.~~

~~—3. To secure payment of the monthly fee, the licensee must make a cash deposit or post and maintain a surety bond or other acceptable form of security with the Commission in an amount determined by applying the rate derived pursuant to paragraph (a) of subsection 2 to the value of all collectible credit instruments.~~

~~—4.†~~

2. As used in this section:

(a) “Last tax day” means the last day for which a licensee is legally obligated to pay the fees imposed pursuant to NRS 463.370.

(b) “Value of collectible credit instruments” means the amount of cash or other compensation the licensee may reasonably expect to receive in payment of unpaid credit instruments after conclusion of the licensee’s gaming operation, taking into account all relevant factors.

Sec. 8. NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to:

(a) Gaming chips or tokens which are not redeemed at an establishment.

(b) Intersection improvement project proceeds.

2. As used in this section:

(a) “Establishment” has the meaning ascribed to it in NRS 463.0148.

(b) “Gaming chip or token” means any object which may be redeemed at an establishment for cash or any other representative of value other than a ~~slot machine~~ wagering voucher as defined in NRS 463.369.

(c) “Intersection improvement project” means construction or improvements relating to intersections, including, without limitation, the construction, installation or upgrade of traffic control devices, turn lanes and appurtenances.

(d) “Intersection improvement project proceeds” means amounts held by this State or an agency or political subdivision of this State that were paid to the State or the agency or political subdivision for the purpose of providing security for, or to fund the construction of, an intersection improvement project.

Sec. 9. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 74.

AN ACT relating to crimes; revising provisions governing eligibility for a grant from the Account for Aid for Victims of Domestic Violence; renaming the Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Account for Aid for Victims of Domestic Violence in the State General Fund, which is administered by the Administrator of the Division of Child and Family Services of the Department of Health and Human Services. (NRS 217.440) Under existing law, an eligible nonprofit organization is authorized to apply for a grant from the Account. (NRS 217.420, 217.440) **Section 1** of this bill changes one of the eligibility requirements for such a grant ~~from the requirement~~ **to require: (1)** that the

nonprofit organization provide its services exclusively for victims of domestic violence ~~[to the requirement]~~ **if located in a county whose population is 100,000 or more (currently Clark and Washoe Counties); or (2) that it provide its services primarily for such victims.** ~~[if located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties).~~ (NRS 217.420) **Section 1 also: (1) changes one of the eligibility requirements from the requirement that the nonprofit organization be able to provide or make referrals for counseling for victims or spouses of victims and their children to the requirement that it be able to provide or make referrals for counseling for victims and partners and family members of victims; and (2) adds the eligibility requirement that the nonprofit organization be able to provide prevention programs for members of the community. Section 2.5 of this bill requires the Administrator to award grants to not more than one applicant in each county whose population is less than 100,000.**

Existing law requires the allocation of 15 percent of all money granted from the Account to organizations in a county whose population is 700,000 or more (currently Clark County) to an organization in the county which has been specifically created to assist victims of sexual assault. (NRS 217.410) **Section 2** of this bill renames the Account as the Account for Aid for Victims of Domestic **or Sexual** Violence ~~for Sexual Assault~~ to reflect this additional authorized use of money in the Account. ~~[for victims of sexual assault.]~~

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

Section 1. NRS 217.420 is hereby amended to read as follows:

217.420 ~~[To]~~ **Except as otherwise provided in NRS 217.410, to** be eligible for a grant from the Account for Aid for Victims of Domestic **or Sexual** Violence ~~for Sexual Assault,~~ an applicant must:

1. Be a nonprofit corporation, incorporated or qualified in this state.
2. Be governed by a board of trustees which reflects the racial, ethnic, economic and social composition of the county to be served and includes at least one trustee who has been a victim of domestic violence.
3. Receive at least 15 percent of its money from sources other than the Federal Government, the State, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with the requirement of this subsection.
4. Provide its services ~~[exclusively primarily]~~ :
(a) Exclusively for victims of domestic violence and only within this state ~~[if located in a county whose population is 100,000 or more; or~~
(b) Primarily for victims of domestic violence and only within this state if located in a county whose population is less than 100,000.

5. Require its employees and volunteer assistants to maintain the confidentiality of any information which would identify persons receiving the services.

6. Provide its services without any discrimination on the basis of race, religion, color, age, sex, sexual orientation, gender identity or expression, marital status, national origin or ancestry.

7. Be able to provide:

(a) Except in counties whose population is less than 100,000, shelter to victims on any day, at any hour.

(b) A telephone service capable of receiving emergency calls on any day, at any hour.

(c) Except in counties whose population is less than 100,000, facilities where food can be stored and prepared.

(d) Counseling, or make referrals for counseling, for victims ~~for spouses~~, partners of victims and ~~their children~~, family members of victims.

(e) Assistance to victims in obtaining legal, medical, psychological or vocational help.

(f) Education and training , including prevention programs, for members of the community on matters which relate to domestic violence.

Sec. 2. NRS 217.440 is hereby amended to read as follows:

217.440 1. An Account for Aid for Victims of Domestic or Sexual Violence ~~for Sexual Assault~~ is hereby created in the State General Fund. The Account must be administered by the Administrator of the Division.

2. Any nonprofit organization in the State which is able to meet the requirements specified in ~~subsection 7 of~~ NRS 217.420 may apply for a grant from the Account for Aid for Victims of Domestic or Sexual Violence ~~for Sexual Assault~~.

3. An application for a grant must be received by the Division before April 1 preceding the fiscal year for which the grant is sought.

Sec. 2.5. NRS 217.450 is hereby amended to read as follows:

217.450 1. The Commission on Behavioral Health shall advise the Administrator of the Division concerning the award of grants from the Account for Aid for Victims of Domestic or Sexual Violence.

2. The Administrator of the Division shall give priority to those applications for grants from the Account for Aid for Victims of Domestic or Sexual Violence submitted by organizations which offer the broadest range of services for the least cost within one or more counties. The Administrator shall not approve the use of money from a grant to acquire any buildings.

3. The Administrator of the Division shall award grants to not more than one applicant in each county whose population is less than 100,000.

4. The Administrator of the Division has the final authority to approve or deny an application for a grant. The Administrator shall notify each applicant in writing of the action taken on its application within 45 days after the deadline for filing the application.

~~[4]~~5. In determining the amount of money to be allocated for grants, the Administrator of the Division shall use the following formula:

(a) A basic allocation of \$7,000 must be made for each county whose population is less than 100,000. For counties whose population is 100,000 or more, the basic allocation is \$35,000. These allocations must be increased or decreased for each fiscal year ending after June 30, 1990, by the same percentage that the amount deposited in the account during the preceding fiscal year, pursuant to NRS 122.060, is greater or less than the sum of \$791,000.

(b) Any additional revenue available in the Account must be allocated to grants, on a per capita basis, for all counties whose population is 20,000 or more.

(c) Money remaining in the Account after disbursement of grants does not revert and may be awarded in a subsequent year.

Sec. 3. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 4. 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. 5. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 76.

SUMMARY—Authorizes the establishment of paternity in proceedings concerning the protection of children. (BDR ~~38-436~~) 11-436)

AN ACT relating to the protection of children; authorizing the paternity of a child to be legally established during a proceeding concerning the protection of the child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning actions in which the paternity of a child may be legally established. (NRS 126.071-126.223) Existing law also authorizes the paternity of a child to be legally established during a proceeding concerning the support of a dependent child. (NRS 425.382-425.3852) Additionally, existing law establishes provisions relating to civil proceedings concerning the protection of children from abuse and neglect. (NRS 432B.410-432B.590) This bill authorizes the paternity of a child to be legally established during a civil proceeding concerning the protection of a child.

~~[Section 2 of this bill provides that if the paternity of a child has not been legally established and a petition alleging that a child is in need of protection will be filed with a court and served on the alleged father of the child, the petition must contain certain information, including: (1) facts supporting that the alleged father is the legal parent of the child; (2) whether any man has acknowledged or declared his possible paternity of the child; and (3) notice to the alleged father that an order may be entered that establishes him as the legal parent of the child if he does not take certain actions. Section 3 of this bill provides that if the paternity of a child has not been legally established, the child, the natural mother or alleged father of the child or an interested third party is authorized to make a motion to the court for an order to establish paternity during a civil proceeding concerning the protection of a child. Such a motion must contain certain information and be served on the alleged father.~~

~~—Section 4 of this bill authorizes the establishment of the alleged father of a child as the legal parent of the child during a civil proceeding concerning the protection of a child if the natural mother and alleged father of the child each sign an affidavit or other sworn statement that the paternity of the child has not been legally established and the alleged father is the legally presumed father of the child. Section 5 of this bill authorizes the establishment of the alleged father of a child as the legal parent of the child during a civil proceeding concerning the protection of the child if the alleged father is the only alleged father of the child and he: (1) does not appear at the hearing concerning the protection of the child; and (2) after receiving proper notice, does not submit~~

~~within 60 days after the hearing a written response to a petition or motion to establish paternity, as applicable, or sworn testimony denying paternity and requesting a hearing.~~

~~Section 6 of this bill establishes the circumstances in which a judicial officer is required to order tests for the typing of blood or tests for the taking of specimens for genetic identification of a child, the natural mother of the child and the alleged father of the child when paternity is disputed. Section 6 sets forth the circumstances in which such tests establish a conclusive presumption that a man is the natural father of a child and provides that if there is a conclusive presumption that the alleged father is the natural father of the child and there is no objection, the alleged father may be established as the legal parent of the child. Sections 14 and 15 of this bill make conforming changes to indicate that the obtaining of genetic information from such tests ordered pursuant to section 6 is exempt from certain provisions set forth in existing law that otherwise require the informed consent of certain persons before obtaining or disclosing such genetic information.~~

~~Section 7 of this bill generally requires the agency which provides child welfare services in the county in which paternity is alleged to pay the costs for conducting any tests for the typing of blood or tests for the taking of specimens for genetic identification. However, if such tests establish a conclusive presumption that the alleged father of a child is the natural father of the child, section 7 requires the alleged father to reimburse the agency for the cost of the tests. Additionally, if the natural mother or alleged father of a child contests the results of any such tests, section 7 requires the person contesting the results to pay the costs for conducting any additional tests. Section 12 of this bill makes conforming changes to provide clarity that the provision of existing law that prohibits the State from being assessed any costs when it is a party to an action to determine parentage, including costs for blood tests or tests for genetic identification, only applies to an action to determine parentage pursuant to chapter 126 of NRS.~~

~~Section 8 of this bill provides that any recommendation concerning the paternity of a child that is entered by a master and approved by the district court establishes the legal paternity of the child for all purposes. Section 8 also provides that any order establishing the paternity of a child is not confidential. Section 10 of this bill makes conforming changes to indicate that such an order not being confidential is an exception to the general requirement that information maintained by an agency which provides child welfare services is confidential.~~

~~Section 9 of this bill requires that whenever service of process is required in an action to establish paternity that is part of a civil proceeding concerning the protection of a child, personal service must be used. Section 11 of this bill makes conforming changes to indicate that such a requirement that personal service be used is an exception to the general requirement that a summons requiring a person who has custody or control of a child to appear personally~~

~~and bring the child before the court may be served by personal service or registered or certified mail to the last known address of the person.]~~

Existing law provides that a district court has jurisdiction of an action to determine parentage pursuant to chapter 126 of NRS and allows such an action to be joined with an action for divorce, annulment, separate maintenance or support. (NRS 126.091) Section 12.3 of this bill provides that such an action may also be joined with a civil proceeding concerning the protection of a child. Section 12 of this bill makes a conforming ~~[changes]~~ change to indicate that the parent and child relationship ~~[between a child and a man]~~ may be legally established in an action to establish paternity that is part of a civil proceeding concerning the protection of a child.

Existing law sets forth the content and effect of a judgment or order entered in an action to establish paternity. (NRS 126.161) Section 12.7 of this bill provides that such a judgment or order issued during a proceeding concerning the protection of a child: (1) is not subject to the provisions relating to the confidentiality of judgments or orders in a proceeding concerning the protection of a child; and (2) is a final order.

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

Section 1. ~~[Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 2. ~~If the paternity of a child has not been legally established and a petition alleging that a child is in need of protection will be filed pursuant to NRS 432B.490 and served on the alleged father of the child, the petition must include, without limitation:~~

- ~~1. The information required by NRS 432B.510;~~
- ~~2. The name of the alleged father of the child and facts that support that the alleged father is the legal parent of the child, including, without limitation, whether the natural mother of the child:~~
 - ~~(a) Was married to the alleged father at the time of the conception or birth of the child;~~
 - ~~(b) Was cohabiting with the alleged father at the time of the conception or birth of the child; and~~
 - ~~(c) Receives or has received support payments or promises of support from the alleged father in connection with her pregnancy or with respect to the child;~~
- ~~3. An indication as to whether any man has formally or informally acknowledged or declared his possible paternity of the child; and~~
- ~~4. A statement that if the alleged father does not appear at the adjudicatory hearing held pursuant to NRS 432B.530 and does not, within 60 days after the adjudicatory hearing, submit a written response or sworn testimony denying paternity and requesting a hearing, the judicial officer may, without further notice to the alleged father;~~

~~—(a) Enter an order that declares and establishes the alleged father as the legal parent of the child; or~~

~~—(b) If the judicial officer is a master, enter a recommendation for approval by the district court that the alleged father be declared and established as the legal parent of the child.~~ (Deleted by amendment.)

Sec. 3. ~~1. During any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, and sections 2 to 9, inclusive, of this act, if the paternity of a child has not been legally established, the child, the natural mother of the child, the alleged father of the child or an interested third party may make a motion to the court for an order to establish paternity.~~

~~2. A motion made pursuant to this section must be in writing, set forth the information required by subsections 2, 3 and 4 of section 2 of this act and, if the alleged father did not file the motion, be served upon the alleged father.~~

~~3. The provisions of the Nevada Rules of Civil Procedure, the District Court Rules and the local rules of practice adopted in the judicial district where the action is pending apply to any motion made pursuant to this section.~~ (Deleted by amendment.)

Sec. 4. ~~If the natural mother and alleged father of a child each sign an affidavit or other sworn statement that the paternity of the child has not been legally established and the alleged father is the presumed father of the child pursuant to subsection 1 of NRS 126.051, a judicial officer may, during any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, and sections 2 to 9, inclusive, of this act:~~

~~1. Enter an order that declares and establishes the alleged father as the legal parent of the child; or~~

~~2. If the judicial officer is a master, enter a recommendation for approval by the district court that the alleged father be declared and established as the legal parent of the child.~~ (Deleted by amendment.)

Sec. 5. ~~If paternity is alleged pursuant to section 2 or 3 of this act and there is only one alleged father of a child who does not appear at the adjudicatory hearing held pursuant to NRS 432B.530 and, after being served with a petition or motion pursuant to section 2 or 3 of this act, respectively, he does not submit a written response or sworn testimony denying paternity and requesting a hearing within 60 days after the adjudicatory hearing, a judicial officer may, without further notice to the alleged father:~~

~~1. Enter an order that declares and establishes the alleged father as the legal parent of the child; or~~

~~2. If the judicial officer is a master, enter a recommendation for approval by the district court that the alleged father be declared and established as the legal parent of the child.~~ (Deleted by amendment.)

Sec. 6. ~~1. If paternity is alleged pursuant to section 2 or 3 of this act, a judicial officer shall order tests for the typing of blood or tests for the taking of specimens for genetic identification of a child, the natural mother of the child and the alleged father of the child as set forth in NRS 126.121 if:~~

~~—(a) The alleged father submits, within 60 days after the adjudicatory hearing held pursuant to NRS 432B.530, a written response or sworn testimony denying paternity and requesting a hearing;~~

~~—(b) Any person alleges that more than one person may be the father of the child and none of the persons alleged to be the father acknowledges paternity of the child; or~~

~~—(c) The judicial officer determines that there is a valid issue concerning the paternity of the child.~~

~~—2. There is a conclusive presumption that a man is the natural father of a child if tests for the typing of blood or tests for genetic identification made pursuant to NRS 126.121 show a probability of 99 percent or more that he is the father except that the presumption may be rebutted if he establishes that he has an identical sibling who may be the father. If there is a conclusive presumption that the alleged father of a child is the natural father of the child and no objection is made, the judicial officer may:~~

~~—(a) Enter an order that declares and establishes the alleged father as the legal parent of the child; or~~

~~—(b) If the judicial officer is a master, enter a recommendation for approval by the district court that the alleged father be declared and established as the legal parent of the child.] (Deleted by amendment.)~~

~~Sec. 7. [1. Except as otherwise provided in subsections 2 and 3, the agency which provides child welfare services in the county in which paternity is alleged pursuant to section 2 or 3 of this act shall pay the costs for conducting any tests for the typing of blood or tests for the taking of specimens for genetic identification that are ordered pursuant to section 6 of this act.~~

~~—2. If tests for the typing of blood or tests for genetic identification establish a conclusive presumption that the alleged father of a child is the natural father of the child in accordance with subsection 2 of section 6 of this act, the alleged father shall reimburse the agency which provides child welfare services in the county for the cost of the tests.~~

~~—3. If the natural mother or alleged father of a child contests the results of any test conducted pursuant to this section, the contesting party shall pay the costs for conducting any additional tests.] (Deleted by amendment.)~~

~~Sec. 8. [1. Any recommendation by a master that is entered pursuant to section 4, 5 or 6 of this act and approved by the district court establishes the legal paternity of a child for all purposes.~~

~~—2. Any order establishing paternity issued pursuant to section 4, 5 or 6 of this act is not subject to confidentiality pursuant to NRS 432B.280.] (Deleted by amendment.)~~

~~Sec. 9. [Notwithstanding any other provision of law, whenever service of process is required in an action brought pursuant to NRS 432B.410 to 432B.590, inclusive, and sections 2 to 9, inclusive, of this act to determine the existence or nonexistence of the paternal relationship, it must be made~~

~~by personal service of the summons or written notice and the petition or motion in which paternity is alleged.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 432B.280 is hereby amended to read as follows:~~

~~432B.280 1. Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and section 8 of this act and except as otherwise authorized or required pursuant to NRS 432B.290, information maintained by an agency which provides child welfare services, including, without limitation, reports and investigations made pursuant to this chapter, is confidential.~~

~~2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:~~

~~(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;~~

~~(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;~~

~~(c) As otherwise authorized or required pursuant to NRS 432B.290;~~

~~(d) As otherwise authorized or required pursuant to NRS 439.538; or~~

~~(e) As otherwise required pursuant to NRS 432B.513,~~

~~is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 432B.520 is hereby amended to read as follows:~~

~~432B.520 1. After a petition has been filed, the court shall direct the clerk to issue a summons requiring the person who has custody or control of the child to appear personally and bring the child before the court at a time and place stated in the summons. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian, or both, must also be notified by a similar summons of the pendency of the hearing and of the time and place appointed.~~

~~2. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.~~

~~3. Each summons must include notice of the right of parties to counsel at the adjudicatory hearing. A copy of the petition must be attached to each summons.~~

~~4. Except as provided in subsection 5 [;] and section 9 of this act, the summons must be served by:~~

~~(a) Personal service of a written notice; or~~

~~(b) Registered or certified mail to the last known address of the person.~~

~~5. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 by one parent and the location of the other parent who did not deliver the child is unknown to the agency which provides child welfare services, the summons must be served on that parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this subsection shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter. The parent who delivered the child to a provider of emergency~~

services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

~~6. If it appears that the child is in such condition or surroundings that the welfare of the child requires that custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the person serving it shall at once deliver the child to an agency which provides child welfare services in whose custody the child must remain until the further order of the court.~~

~~7. If the summons cannot be served or the person who has custody or control of the child fails to obey it, or:~~

~~(a) In the judge's opinion, the service will be ineffectual or the welfare of the child requires that the child be brought forthwith into the custody of the court; or~~

~~(b) A person responsible for the child's welfare has absconded with the child or concealed the child from a representative of an agency which provides child welfare services;~~

~~the court may issue a writ for the attachment of the child's person, commanding a law enforcement officer or a representative of an agency which provides child welfare services to place the child in protective custody.]~~

(Deleted by amendment.)

Sec. 12. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. A woman may be established by:

(a) Except as otherwise provided in NRS 126.710 to 126.810, inclusive, proof of her having given birth to the child;

(b) An adjudication of the woman's maternity pursuant to this chapter, ~~for~~ NRS 125B.150 or 130.402, **or chapter 432B of NRS;**

(c) Proof of adoption of the child by the woman;

(d) An un rebutted presumption of the woman's maternity;

(e) The consent of the woman to assisted reproduction pursuant to NRS 126.670 and 126.680 which resulted in the birth of the child; or

(f) An adjudication confirming the woman as a parent of a child born to a gestational carrier if the gestational agreement is enforceable under the provisions of NRS 126.710 to 126.810, inclusive, or any other provision of law.

2. A man may be established:

(a) Under this chapter, NRS 125B.150, 130.402, or 425.382 to 425.3852, inclusive ~~], or [432B.410 to 432B.590, inclusive, and sections 2 to 9, inclusive, of this act]~~ **chapter 432B of NRS;**

(b) By proof of adoption of the child by the man;

(c) By the consent of the man to assisted reproduction pursuant to NRS 126.670 and 126.680 which resulted in the birth of the child; or

(d) By an adjudication confirming the man as a parent of a child born to a gestational carrier if the gestational agreement was validated pursuant to the provisions of NRS 126.710 to 126.810, inclusive, or other provision of law.

Sec. 12.3. NRS 126.091 is hereby amended to read as follows:

126.091 1. Each district court has jurisdiction of an action brought under this chapter. The action may be joined with ~~any~~ :

(a) An action for divorce, annulment, separate maintenance or support ~~and~~;

or

(b) A proceeding held pursuant to chapter 432B of NRS. An action brought under this chapter that is joined with a proceeding held pursuant to chapter 432B of NRS may be initiated at any time during the proceeding by filing a petition within the proceeding.

2. A person who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by law, personal jurisdiction may be acquired by personal service of summons outside this state or by certified mail, restricted delivery, with return receipt requested.

3. The action may be brought in the county in which the child, the mother or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of the father's estate have been or could be commenced. The court has jurisdiction whether or not the plaintiff resides in this state.

4. If an action to establish paternity is transferred from one judicial district in this state to another judicial district in this state, the district court to which the action is transferred shall not require the petitioner to file additional documents with the court or provide additional service of process upon the respondent to maintain jurisdiction over the parties.

Sec. 12.7. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for

the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the mother and father are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. *A judgment or order issued pursuant to this chapter within a proceeding held pursuant to chapter 432B of NRS:*

(a) Is not subject to the provisions relating to the confidentiality of judgments or orders set forth in chapter 432B of NRS; and

(b) Is a final order.

7. As used in this section, "expedited process" means a voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283, a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 13. ~~NRS 126.171 is hereby amended to read as follows:~~

~~126.171 The court may order reasonable fees of counsel, experts and the child's guardian ad litem, and other costs of the action and pretrial proceedings, including blood tests or tests for genetic identification, to be paid by the parties in proportions and at times determined by the court. The court may order the proportion of any indigent party to be paid by the county. In no event may the State be assessed any costs when it is a party to an action to determine parentage [.] pursuant to this chapter.] (Deleted by amendment.)~~

Sec. 14. ~~NRS 629.151 is hereby amended to read as follows:~~

~~629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:~~

~~1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;~~

~~2. To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384 [.] or section 6 of this act;~~

~~4. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;~~

~~5. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;~~
~~or~~

~~6. Pursuant to an order of a court of competent jurisdiction.] (Deleted by amendment.)~~

~~Sec. 15. [NRS 629.171 is hereby amended to read as follows:~~

~~629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:~~

~~1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;~~

~~2. To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384 [;] or section 6 of this act;~~

~~4. Pursuant to an order of a court of competent jurisdiction;~~

~~5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;~~

~~6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;~~

~~7. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;~~

~~8. To carry out the provisions of NRS 442.300 to 442.330, inclusive; or~~

~~9. By an agency of criminal justice pursuant to NRS 179A.075.] (Deleted by amendment.)~~

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 37.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

AN ACT relating to the support of children; defining certain terms and revising certain definitions relating to the support of children; requiring the reporting and withholding of lump sum payments by income payers under certain circumstances; revising provisions relating to the amount of income that may be withheld from an obligor; making various changes relating to the withholding of income by income payers; authorizing the imposition of certain penalties on income payers who commit certain improper acts relating to lump

sum payments; expressly authorizing the assignment of money from certain lump sum payments; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires an employer, person or other entity to withhold and deliver income of an obligor to an enforcing authority for the support of a child under certain circumstances; and (2) sets forth certain procedures for the enforcement of such withholdings and deliveries. (Chapter 31A of NRS) **Section 4** of this bill defines the term “income payer” to mean any employer, person or other entity required to withhold and deliver the income of an obligor to an enforcing authority. **Section 3** of this bill defines the term “employer” to mean a person or entity that employs an obligor as an employee or independent contractor. **Sections 11-19, 21, 22 and 24-27** of this bill make various changes based on those definitions.

Existing law defines “income” to include: (1) wages, salaries, bonuses and commissions; (2) any money from certain other persons or entities from which support may be withheld; (3) any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; and (4) any compensation of an independent contractor. (NRS 31A.016) **Section 9** of this bill revises the definition of “income” to expressly include a lump sum payment. **Section 5** of this bill defines the term “lump sum payment.”

Section 7 of this bill requires certain income payers who are subject to a notice to withhold income of an obligor to inform the enforcing authority before making a lump sum payment of \$150 or more to an obligor. **Section 7** requires the income payer to inform the enforcing authority at least 10 days before the income payer intends to release the lump sum payment to the obligor. **Section 7** additionally requires the enforcing authority, within 10 days after receiving such information, to provide the income payer with a written notice from the Division of Welfare and Supportive Services of the Department of Health and Human Services specifying the amount of the lump sum payment that the income payer must withhold and deliver to the enforcing authority, if any. **Section 7** also provides the manner in which the written notice must be sent to the income payer and obligor and authorizes the obligor to contest the written notice. Finally, **section 7** prohibits the income payer from releasing the lump sum payment to the obligor before: (1) the date that the income payer intends to release the lump sum payment; or (2) the 11th day after providing the information regarding the lump sum payment or the date that the income payer receives the written notice, whichever is earlier. **Section 6** of this bill defines the term “written notice.”

Existing law sets forth certain penalties that may be imposed on an employer who wrongfully refuses to withhold income, refuses or intentionally fails to deliver money to the enforcing authority or knowingly misrepresents the income of an employee. (NRS 31A.095, 31A.120) **Sections 16 and 18** of this bill authorize a court to impose such penalties on an income payer who refuses

to withhold money from a lump sum payment or refuses or intentionally fails to deliver money from a lump sum payment to an enforcing authority.

Existing law: (1) provides immunity from civil liability to an employer who complies with a notice to withhold income; (2) discharges the liability of an employer to an obligor for the portion of the income affected by compliance with a notice to withhold income; and (3) provides immunity from civil liability to an enforcing authority for any money withheld before the implementation of a stay on an order to withhold income. (NRS 31A.100) **Section 17** of this bill extends such immunity to and discharges the liability of an income payer who complies with a written notice concerning a lump sum payment.

Existing law prescribes the amount of income that may be withheld from an obligor and places certain restrictions on the total amount that may be withheld. (NRS 31A.030) Existing law provides that: (1) not more than 50 percent of the disposable earnings of an employee may be withheld if the employee is supporting another spouse or child; or (2) not more than 60 percent of the disposable earnings of the employee may be withheld if the employee is not supporting another spouse or child. Existing law further provides that an additional 5 percent of the disposable earnings of the employee may be withheld if payments for support are more than 12 weeks in arrears. (15 U.S.C. § 1673; NRS 31.295) **Section 10** of this bill applies such restrictions on the total amount of income that may be withheld to all obligors, regardless of whether the obligor is employed as an employee or is an independent contractor and regardless of whether the income qualifies as disposable earnings of the obligor. Thus, **section 10** provides that the amount of income withheld from any obligor must not exceed: (1) 50 percent, if the obligor is supporting another child or spouse, or 60 percent, if the obligor is not supporting another child or spouse; or (2) 55 percent or 65 percent, respectively, if the obligor has been in arrears for more than 12 weeks. **Section 2** of this bill defines the term “disposable earnings.” **Sections 12 and 23** of this bill make conforming changes to reflect the calculation of income that may be withheld.

Existing law requires: (1) the State Treasurer to collect a fee of \$2 for each withholding of income made by an employer; and (2) an employer to deduct such a fee from the income of the obligor. (NRS 31A.075, 31A.080) **Sections 13 and 14** of this bill make various changes related to the deduction of the fee by an income payer.

Existing law requires: (1) person or entity for whom support is being collected to notify the enforcing authority by certified mail, return receipt requested, of a change of address; and (2) an order for an assignment to be served on an employer by certified mail, return receipt requested. (NRS 31A.140, 31A.280) **Sections 19 and 24** of this bill require the documents to be sent by first-class mail or electronically.

Existing law authorizes the withholding and assignment of certain money due to an obligor that is paid periodically or in lump sums. (NRS 31A.150,

31A.330) **Sections 20 and 27** of this bill expressly authorize the withholding and assignment of money from certain lump sum payments.

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

Section 1. Chapter 31A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *“Disposable earnings” has the meaning ascribed to it in NRS 31.295.*

Sec. 3. *“Employer” means a person or entity that employs an obligor as an employee or independent contractor.*

Sec. 4. *“Income payer” means any employer, person or other entity required to withhold and deliver income pursuant to NRS 31A.025 to 31A.190, inclusive, and section 7 of this act.*

Sec. 5. *“Lump sum payment” means:*

- 1. A commission;*
- 2. A discretionary or nondiscretionary bonus;*
- 3. A productivity or performance bonus;*
- 4. Profit sharing;*
- 5. A referral or sign-on bonus;*
- 6. An incentive payment for moving or relocation;*
- 7. An attendance award;*
- 8. A safety award;*
- 9. A cash payment award;*
- 10. A retroactive merit increase;*
- 11. A payment for working during a holiday;*
- 12. Termination pay; and*
- 13. Severance pay; and*

~~*14. A workers’ compensation reimbursement; and*~~
~~*15. A payment for back pay and front pay from an insurance settlement.*~~

Sec. 6. *“Written notice” means the notice issued pursuant to subsection 3 of section 7 of this act.*

Sec. 7. 1. *An income payer who has received a notice to withhold income which includes a provision for the payment of arrears shall inform the enforcing authority before making a lump sum payment to the obligor that is \$150 or more.*

2. *The information provided by the income payer pursuant to subsection 1 must be:*

(a) On a form prescribed by the Division of Welfare and Supportive Services; and

(b) Submitted to the enforcing authority at least 10 days before the date that the income payer intends to release the lump sum payment to the obligor.

3. *Within 10 days after receiving the form described in subsection 2, the enforcing authority shall provide the income payer with a written notice*

from the Division of Welfare and Supportive Services specifying the amount of the lump sum payment to be withheld and delivered to the enforcing authority.

4. The income payer shall not release the lump sum payment before:

(a) The date that the income payer intends to release the lump sum payment; or

(b) The 11th day after submitting the form described in subsection 2 or the date that the written notice is received by the income payer, whichever is earlier.

5. The written notice is binding on the income payer and must be sent by the enforcing authority to:

(a) The last known address of the obligor by first-class mail; and

(b) The income payer by first-class mail or electronically.

6. An obligor may contest a written notice in the same manner as described in NRS 31A.050.

Sec. 8. NRS 31A.010 is hereby amended to read as follows:

31A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 31A.012 to 31A.021, inclusive, **and sections 2 to 6, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 31A.016 is hereby amended to read as follows:

31A.016 “Income” includes, but is not limited to:

1. Wages ~~and~~ **and** salaries ; ~~bonuses and commissions;~~

2. Any money from which support may be withheld pursuant to NRS 31A.150 or 31A.330;

3. Any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; ~~and~~

4. **Any lump sum payments; and**

5. Any compensation of an independent contractor ~~and~~ **, including, without limitation, any compensation described in subsections 1 to 4, inclusive, as applicable.**

Sec. 10. NRS 31A.030 is hereby amended to read as follows:

31A.030 Except as otherwise provided in NRS 31A.024:

1. ~~The~~ **Except as otherwise provided in subsection 2, the** amount of income to be withheld pursuant to NRS 31A.025 to 31A.190, inclusive, ~~must be calculated in accordance with NRS 31.295~~ **and section 7 of this act** must include:

(a) The amount of the current support due plus:

(1) An amount equal to 10 percent of the amount of the current periodic or other payment ordered for support, to be applied to satisfy arrearages, if any; or

(2) If the court has previously ordered the payment of arrearages in a specified manner, the amount so ordered;

(b) If the obligor is subject to a court order for the payment of current support which is not being collected pursuant to this chapter and the enforcing authority is entitled to collect any arrearages, an amount equal to 25 percent of the amount of the payment ordered for current support, to be applied to satisfy the arrearages; or

(c) If the child is emancipated, arrearages as provided in NRS 125B.100, until the arrearages are paid in full.

2. ***The amount of income withheld must be calculated in accordance with the percentages set forth in NRS 31.295, regardless of whether the income qualifies as disposable earnings.***

3. If two or more court orders for the withholding of income are being enforced against the same obligor, the amount available from withholding must be allocated among those persons entitled to it pursuant to those orders:

(a) Giving priority to an obligation for current support; and

(b) Except as otherwise provided in paragraph (a), in the proportion that the amount owed any one person bears to the total amount owed to all persons entitled to withholding pursuant to those orders.

Sec. 11. NRS 31A.040 is hereby amended to read as follows:

31A.040 1. The enforcing authority shall notify an obligor who is subject to the withholding of income by first-class mail to the obligor's last known address:

(a) That the obligor's income is being withheld;

(b) Of the amount of any arrearages;

(c) Of the amount being withheld from the obligor's income to pay current support and the amount being withheld to pay any arrearages;

(d) That a notice to withhold income applies to any current or subsequent ~~employer;~~ **income payer;**

(e) That a notice to withhold income of the obligor has been mailed to the ~~obligor's employer;~~ **income payer of the obligor;**

(f) Of the information provided to the ~~obligor's employer;~~ **income payer of the obligor** pursuant to NRS 31A.070;

(g) That the obligor may contest the withholding; and

(h) Of the grounds and procedures for contesting the withholding.

2. The provisions of this section are applicable only to an obligor against whom there is entered an order of a kind described in subsection 4 of NRS 31A.025.

Sec. 12. NRS 31A.070 is hereby amended to read as follows:

31A.070 1. The enforcing authority shall mail, by first-class mail, a notice to withhold income to an ~~obligor's employer;~~ **income payer of an obligor:**

(a) If the provisions of subsection 4 of NRS 31A.025 apply, immediately upon determining that the obligor is delinquent in the payment of support; or

(b) If the provisions of subsection 4 of NRS 31A.025 do not apply, immediately upon the entry of the order of support, unless an exception set forth in paragraph (a) or (b) of subsection 1 of NRS 31A.025 applies.

2. If an ~~employer~~ **income payer** of an obligor does not begin to withhold income from the obligor after receiving the notice to withhold income that was mailed pursuant to subsection 1, the enforcing authority shall mail, by certified mail, return receipt requested, another notice to withhold income to the ~~employer~~ **income payer**.

3. A notice to withhold income may be issued electronically and must:

(a) Contain the social security number of the obligor;
(b) Specify the amount to be withheld from the income of the obligor;
(c) Specify the amounts of the fees authorized in NRS 31A.090 and required in NRS 31A.075;

(d) Describe the limitation for withholding income prescribed in ~~NRS 31A.295~~ **subsection 2 of NRS 31A.030**;

(e) Describe the prohibition against terminating the employment of an obligor because of withholding, **if applicable**, and the penalties for wrongfully refusing to withhold pursuant to the notice to withhold income;

(f) Specify that, pursuant to NRS 31A.160, the withholding of income to enforce an order of a court for child support has priority over other proceedings against the same money; and

(g) Explain the duties of an ~~employer~~ **income payer** upon the receipt of the notice to withhold income.

Sec. 13. NRS 31A.075 is hereby amended to read as follows:

31A.075 1. The State Treasurer shall charge an obligor a fee of \$2 for each withholding of income for the payment of support made by an ~~employer~~ **income payer** pursuant to this chapter, except that the fee must not be charged to an obligor more than two times during any month.

2. All such fees received by the State Treasurer from ~~employers~~ **income payers** pursuant to NRS 31A.080 must be accounted for separately in the State General Fund.

3. The account created pursuant to subsection 2 must be administered by the Administrator of the Division of Welfare and Supportive Services. The money in the account must be distributed among each enforcing authority pursuant to regulations adopted by the Administrator of the Division of Welfare and Supportive Services pursuant to NRS 425.365.

Sec. 14. NRS 31A.080 is hereby amended to read as follows:

31A.080 1. An ~~employer~~ **income payer** who receives a notice to withhold income shall:

~~1-1~~ (a) Withhold the amount stated in the notice from the income due the obligor beginning with the first ~~pay period~~ **payment** that occurs within 14 days after the date the notice was ~~mailed~~ **sent** to the ~~employer~~ **income payer** and continuing until the enforcing authority notifies the ~~employer~~ **income payer** to discontinue the withholding; **and**

~~1-2~~ (b) Deliver the money withheld to the enforcing authority within 7 days after the date of ~~each~~ payment. ~~of the regularly scheduled payroll of the employer;~~

~~3.1~~ 2. *An income payer who receives a written notice or a notice to withhold income shall:*

(a) Deduct from the income due the obligor after the withholding , ~~pursuant to subsection 1,~~ the fee set forth in NRS 31A.075;

~~4.1~~ (b) Deliver to the State Treasurer, at least quarterly, all money deducted as fees pursuant to ~~subsection 3;~~ **paragraph (a);** and

~~5. Notify~~

(c) **If applicable, notify** the enforcing authority and the State Treasurer when the obligor subject to withholding terminates the obligor's employment, and provide the last known address of the obligor and the name of any new employer of the obligor, if known.

Sec. 15. NRS 31A.090 is hereby amended to read as follows:

31A.090 1. A **written notice or a** notice to withhold income is binding upon any ~~employer~~ **income payer** of an obligor . ~~to whom it is mailed.~~

2. To reimburse the ~~employer~~ **income payer** for the ~~employer's~~ costs **of the income payer** in making ~~the~~ **a** withholding, the ~~employer~~ **income payer** may deduct \$3 from the amount paid the obligor each time the ~~employer~~ **income payer** makes a withholding.

~~2.1~~ 3. Except as otherwise provided in subsection ~~3.1~~ 4, if an ~~employer~~ **income payer** receives **written notices or** notices to withhold income for more than one ~~employee~~ **obligor**, the ~~employer~~ **income payer** may consolidate the amounts of money that are payable to:

(a) The enforcing authority and pay those amounts with one check; and

(b) The State Treasurer and pay those amounts with one check,

↪ but the ~~employer~~ **income payer** shall attach to each check a statement identifying by name and social security number each obligor for whom payment is made and the amount transmitted for that obligor.

~~3.1~~ 4. If the provisions of NRS 353.1467 apply, the ~~employer~~ **income payer** shall make payment to the enforcing authority or the State Treasurer, as applicable, by way of any method of electronic transfer of money allowed by the enforcing authority or the State Treasurer. If an ~~employer~~ **income payer** has 50 or more employees, the ~~employer~~ **income payer** shall make payment to the Division of Welfare and Supportive Services by way of any method of electronic transfer of money allowed by the Division. If an ~~employer~~ **income payer** makes payment by way of electronic transfer of money pursuant to this subsection, the ~~employer~~ **income payer** shall transmit separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.

~~4.1~~ 5. An ~~employer~~ **income payer** shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

~~5.1~~ 6. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 16. NRS 31A.095 is hereby amended to read as follows:

31A.095 1. If an ~~employer~~ **income payer**:

(a) Wrongfully refuses to withhold income as required pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** after receiving a notice to withhold income that was sent by certified mail pursuant to subsection 2 of NRS 31A.070 ~~or a written notice~~;

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~or section 7 of this act~~; or

(c) Knowingly misrepresents the income of an ~~employee~~ **obligor**,
→ the enforcing authority may apply for and the court may issue an order directing the ~~employer~~ **income payer** to appear and show cause why the ~~employer~~ **income payer** should not be subject to the penalty prescribed in subsection 2 of NRS 31A.120.

2. At the hearing on the order to show cause, the court, upon a finding that the ~~employer~~ **income payer** wrongfully refused to withhold income as required, refused or intentionally failed to deliver money to the enforcing authority as required or knowingly misrepresented ~~an employee's~~ **the income of an obligor**:

(a) May order the ~~employer~~ **income payer** to comply with the requirements of NRS 31A.025 to 31A.190, inclusive ~~or~~, **and section 7 of this act**;

(b) May order the ~~employer~~ **income payer** to provide accurate information concerning the ~~employee's~~ **income of the obligor**;

(c) May fine the ~~employer~~ **income payer** pursuant to subsection 2 of NRS 31A.120; and

(d) Shall require the ~~employer~~ **income payer** to pay the amount the ~~employer~~ **income payer** failed or refused to withhold from the obligor's income or refused or intentionally failed to deliver to the enforcing authority.

Sec. 17. NRS 31A.100 is hereby amended to read as follows:

31A.100 1. An ~~employer~~ **income payer** who complies with a **written notice or** notice to withhold income that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.

2. Compliance by an ~~employer~~ **income payer** with a **written notice or** notice to withhold income is a discharge of the ~~employer's~~ **liability of the income payer** to the obligor as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the enforcing authority may not be held liable in any civil action to the obligor for any money withheld before the stay becomes effective.

Sec. 18. NRS 31A.120 is hereby amended to read as follows:

31A.120 1. It is unlawful for an employer to use the withholding of income to collect an obligation of support as a basis for refusing to hire a potential ~~employee~~ **obligor**, discharging the ~~employee~~ **obligor** or taking disciplinary action against the ~~employee~~ **obligor**. Any employer who violates this section shall hire or reinstate the ~~employee~~ **obligor** with no loss of pay or benefits, is liable for any payments of support not withheld and shall

be fined \$1,000. If an ~~employee~~ **obligor** prevails in an action based on this section, the employer is liable, in an amount not less than \$2,500, for payment of the ~~employee's~~ costs and attorney's fees incurred **by the obligor** in that action.

2. If an ~~employer~~ **income payer**:

(a) Wrongfully refuses to withhold from the income of an obligor as required pursuant to NRS 31A.025 to 31A.190, inclusive ~~and~~, **and section 7 of this act**;

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~and~~ **or section 7 of this act**; or

(c) Knowingly misrepresents the income of the ~~employee~~ **obligor**,
→ the ~~employer~~ **income payer** shall pay the amount the ~~employer~~ **income payer** refused to withhold or refused or intentionally failed to deliver to the enforcing authority and may be ordered to pay punitive damages to the person to whom support is owed in an amount not to exceed \$1,000 for each ~~pay period~~ **payment** the ~~employer~~ **income payer** failed to withhold income as required, refused or intentionally failed to deliver money to the enforcing authority as required or knowingly misrepresented the income of the ~~employee~~ **obligor**.

Sec. 19. NRS 31A.140 is hereby amended to read as follows:

31A.140 1. A person or other entity for whom support is being collected pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** shall notify the enforcing authority of a change of address within a reasonable time after the change. The notice must be ~~in writing and~~ sent by ~~certified mail, return receipt requested~~ **first-class mail or electronically**.

2. If payments are not deliverable for 3 consecutive months because of the failure of a person or other entity for whom payment of support has been withheld to notify the enforcing authority of a change of address, no further payments may be made and all payments not delivered must be returned to the obligor. The enforcing authority shall notify the ~~employer~~ **income payer** to discontinue withholding.

Sec. 20. NRS 31A.150 is hereby amended to read as follows:

31A.150 ~~and~~ Money may be withheld for the support of a child pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** from any money:

~~(a)~~ 1. Due to:

~~(1)~~ (a) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause or any other benefit;

~~(2)~~ (b) The obligor as a return of contributions and interest; or

~~(3)~~ (c) Some other person because of the death of the obligor,

→ from the State, a political subdivision of the State or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by any person or a statute of this or any other state, whether the money is payable periodically or in a lump sum ~~or~~

~~—(b)—~~ **regardless of the frequency of payment;**

2. Due to the obligor as a judgment, a settlement or the prize from any contest or lottery, from any person or other entity, ~~whether the money is payable periodically or in a lump sum.~~

~~2. When a certified copy of a notice to withhold income is delivered by certified mail, return receipt requested, to a person or other entity described in subsection 1, the person or other entity must comply with the request and pay to the enforcing authority the amounts withheld as required in the notice to withhold income.~~ **regardless of the frequency of payment; or**

3. Due to the obligor as a lump sum payment.

Sec. 21. NRS 31A.180 is hereby amended to read as follows:

31A.180 If an order for support on which a notice to withhold income is based is amended or modified, the enforcing authority shall, upon receipt of a certified copy of the amendment or modification, notify the ~~employer~~ **income payer** of the obligor to modify the amount to be withheld accordingly.

Sec. 22. NRS 31A.190 is hereby amended to read as follows:

31A.190 An obligor may voluntarily have the payment for support withheld from the obligor's income by filing a request and a certified copy of the order for support with the enforcing authority. The enforcing authority shall send a notice to withhold income to the ~~obligor's employer,~~ **income payer of the obligor**, and the ~~employer~~ **income payer** shall withhold and pay the amount as required in the notice.

Sec. 23. NRS 31A.270 is hereby amended to read as follows:

31A.270 NRS 31A.160 applies to all assignments of income pursuant to NRS 31A.250 to 31A.330, inclusive. The assignment:

1. Must be calculated in accordance with ~~the percentages set forth in~~ NRS 31.295 ~~††~~ **, regardless of whether the income qualifies as disposable earnings.**

2. May include the amount of the current support due and a payment on the arrearages if previously ordered by a court of competent jurisdiction.

Sec. 24. NRS 31A.280 is hereby amended to read as follows:

31A.280 1. An order for an assignment issued pursuant to NRS 31A.250 to 31A.330, inclusive, operates as an assignment and is binding upon any existing or future ~~employer~~ **income payer** of an obligor upon whom a copy of the order is served by ~~certified~~ **first-class** mail ~~†, return receipt requested.~~ **or electronically.** The order may be modified or revoked at any time by the court.

2. To enforce the obligation for support, the ~~employer~~ **income payer** shall cooperate with and provide relevant information concerning the ~~obligor's employment~~ **obligor** to the person entitled to the support or that person's legal representative. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

3. If the order for support is amended or modified, the person entitled to the payment of support or that person's legal representative shall notify the

~~{employer}~~ **income payer** of the obligor to modify the amount to be withheld accordingly.

4. To reimburse the ~~{employer}~~ **income payer** for the ~~{employer's}~~ costs **incurred by the income payer** in making the payment pursuant to the assignment, the ~~{employer}~~ **income payer** may deduct \$3 from the amount paid to the obligor each time the ~~{employer}~~ **income payer** makes a payment.

5. If an ~~{employer}~~ **income payer** wrongfully refuses to honor an assignment or knowingly misrepresents the income of an ~~{employee}~~ **obligor**, the court, upon request of the person entitled to the support or that person's legal representative, may enforce the assignment in the manner provided in NRS 31A.095 for the enforcement of the withholding of income.

6. Compliance by an ~~{employer}~~ **income payer** with an order of assignment operates as a discharge of the ~~{employer's}~~ liability **of the income payer** to the ~~{employee}~~ **obligor** as to that portion of the ~~{employee's}~~ income **of the obligor** affected.

Sec. 25. NRS 31A.290 is hereby amended to read as follows:

31A.290 An employer may not use assignments of income for payments to collect an obligation of support as a basis for the discharge of an ~~{employee}~~ **obligor** or for disciplinary action against the ~~{employee}~~ **obligor**. An employer who discharges or disciplines an ~~{employee}~~ **obligor** in violation of this section shall reinstate the ~~{employee}~~ **obligor** with no loss of pay or benefits, is liable for any payments of support not paid and shall be fined \$1,000. If an ~~{employee}~~ **obligor** prevails in an action for reinstatement based on this section, the employer is liable, in an amount of not less than \$2,500, for payment of the ~~{employee's}~~ costs and attorney's fees incurred **by the obligor** in that action.

Sec. 26. NRS 31A.310 is hereby amended to read as follows:

31A.310 1. The person or other entity to whom support is ordered to be paid by assignment of income shall notify the court and the ~~{employer}~~ **income payer** of the obligor, by any form of mail requiring a return receipt, of any change of address within a reasonable time after that change.

2. If the ~~{employer}~~ **income payer** or the legal representative of the person entitled to the payment for support is unable to deliver payments as required pursuant to NRS 31A.250 to 31A.330, inclusive, within 3 months because of the failure of the person entitled to the support to notify the ~~{employer}~~ **income payer** or the person's legal representative of a change of address, the ~~{employer}~~ **income payer** or legal representative shall not make any further payments pursuant to the assignment and shall return all undeliverable payments to the ~~{employee}~~ **obligor**.

Sec. 27. NRS 31A.330 is hereby amended to read as follows:

31A.330 1. Money may be withheld for the support of a child pursuant to NRS 31A.250 to 31A.330, inclusive, from any ~~{money}~~ :

(a) **Money** due to:

~~{(a)}~~ (1) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause;

~~{(b)}~~ (2) The obligor as a return of contributions and interest; or

~~{(c)}~~ (3) Some other person because of the death of the obligor,

↪ from the State of Nevada, a political subdivision of the State of Nevada or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by a statute of this state ~~{H}~~ ; or

(b) Money due to an obligor as a lump sum payment.

2. When a ~~{certified}~~ copy of any order of assignment is served by ~~{certified}~~ *first-class* mail ~~{, return receipt requested,}~~ or *electronically* on any *person or* entity described in subsection 1, other than the Federal Government, ~~{it}~~ *the person or entity* must comply with any request for a return of ~~{employee contributions}~~ *the income* by an ~~{employee}~~ *obligor* named in the order by paying the ~~{contributions}~~ *income* to the person entitled to the payment of support or that person's legal representative unless the *person or* entity *described in subsection 1* has received a ~~{certified}~~ copy of an order terminating the order of assignment. A court may not directly or indirectly condition the issuance, modification or termination of, or condition the terms or conditions of, any order for the support of a child upon the issuance of such a request by an ~~{employee}~~ *obligor*.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

SUMMARY—~~{Revises provisions governing judicial discipline.}~~ **Requests that the Nevada Supreme Court study certain issues relating to the Commission on Judicial Discipline. (BDR ~~{H-393}~~) S-393**

AN ACT relating to the judiciary; ~~{requiring the Nevada Judges of Limited Jurisdiction to advise the Nevada Supreme Court on the appointment of certain members of the Commission on Judicial Discipline in certain circumstances; creating two panels for investigation and adjudication of a complaint against a judge; revising provisions relating to the standard of proof for a hearing before the Commission; removing the requirement that a judge must respond to a complaint.}~~ **requesting that the Nevada Supreme Court study and make recommendations concerning the Commission on Judicial Discipline and compile certain statistics for consideration by the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Judicial Discipline has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges in this State. (Nev. Const. Art. 6, § 21; NRS 1.440) ~~{The Nevada Constitution requires that the Commission be composed of seven~~

~~members, including two members appointed by the Nevada Supreme Court. (Nev. Const. Art. 6, § 21) Existing law also provides that if a justice of the peace or a municipal judge is required to appear before the Commission in formal, public proceedings, the Nevada Supreme Court must appoint two justices of the peace or two municipal judges, respectively, to replace the regular Supreme Court appointees for those formal, public proceedings. (NRS 1.440) Section 1 of this bill requires the Nevada Supreme Court to make these appointments with the advice of the Nevada Judges of Limited Jurisdiction, which is an association of justices of the peace and municipal judges in this State.~~

~~— The Nevada Constitution provides that the term of a member of the Commission is 4 years, but the Nevada Constitution and existing law do not establish a limit on the number of terms a member may serve on the Commission. (Nev. Const. Art. 6, § 21) Section 1 of this bill limits a member of the Commission to serving two 4-year terms.~~

~~—1 The Nevada Constitution **also** requires the Commission to adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. (Nev. Const. Art. 6, § 21) ~~Section 2 of this bill separates the investigative and adjudicative functions of the Commission into two panels. The investigative panel will determine whether formal charges should be filed against a judge. The adjudicative panel will consider the evidence and testimony at the hearing.~~~~

~~— Existing law authorizes formal charges to be brought by the Commission when there is reasonable probability that the evidence available for introduction at a formal hearing will prove clearly and convincingly that disciplinary action is appropriate against a judge. (NRS 1.4655, 1.4667, 1.467, 1.468) Sections 3-6 of this bill authorize formal charges to be brought against a judge when there is a reasonable probability, supported by clear and convincing evidence, of establishing grounds for disciplinary action against the judge. Clear and convincing evidence is proof that requires “evidence establishing every factual element to be highly probable.” (Ferguson v. Las Vegas Metro. Police Dep’t., 131 Nev. 939, 945 (2015))~~

~~— Existing law further requires a judge to respond to a complaint filed against him or her. (NRS 1.4667, 1.467) Sections 4 and 5 of this bill remove the requirement that the judge must respond to the complaint but require the Commission to provide the judge with an opportunity to respond to the complaint.~~ **This bill: (1) requests that the Nevada Supreme Court study and make recommendations concerning the procedural and substantive statutes and rules of the Commission on Judicial Discipline; and (2) compile statistics, other than confidential statistics, relating to the work of the Commission for consideration by the Legislature.**

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

Section 1. ~~NRS 1.440 is hereby amended to read as follows:~~

~~1.440 1. The Commission has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges which is coextensive with its jurisdiction over justices of the Supreme Court and must be exercised in the same manner and under the same rules.~~

~~2. Any complaint or action, including, without limitation, an interlocutory action or appeal, filed in connection with any proceeding of the Commission must be filed in the Supreme Court. Any such complaint or action filed in a court other than the Supreme Court shall be presumed to be frivolous and intended solely for the purposes of delay.~~

~~3. [The] *With the advice of the Nevada Judges of Limited Jurisdiction, or its successor organization, the* Supreme Court shall appoint two justices of the peace and two municipal judges to sit on the Commission [for formal, public proceedings] *upon the initiation of a formal investigation* against a justice of the peace or a municipal judge, respectively. Justices of the peace and municipal judges so appointed must be designated by an order of the Supreme Court to sit for [such] *any* proceedings in place of and to serve for the same terms as the regular members of the Commission appointed by the Supreme Court.~~

~~4. *Each regular member of the Commission may serve a total of two 4-year terms.*~~ (Deleted by amendment.)

Sec. 2. ~~NRS 1.462 is hereby amended to read as follows:~~

~~1.462 1. Proceedings before the Commission are civil matters designed to preserve an independent and honorable judiciary.~~

~~2. Except as otherwise provided in NRS 1.425 to 1.4695, inclusive, or in the procedural rules adopted by the Commission, after a formal statement of charges has been filed, the Nevada Rules of Civil Procedure apply.~~

~~3. *In proceedings before the Commission, the investigative and adjudicative functions of the Commission must be separated into two panels. The investigative panel shall determine whether the matter should proceed to the filing of a formal statement of charges. If a formal statement of charges is filed, the adjudicative panel may only consider the evidence and testimony presented at the hearing. Any investigative report or informational report must not be provided to the adjudicative panel.*~~ (Deleted by amendment.)

Sec. 3. ~~NRS 1.4655 is hereby amended to read as follows:~~

~~1.4655 1. The Commission may begin an inquiry regarding the alleged misconduct or incapacity of a judge upon the receipt of a complaint.~~

~~2. The Commission shall not consider complaints arising from acts or omissions that occurred more than 3 years before the date of the complaint or more than 1 year after the complainant knew or in the exercise of reasonable diligence should have known of the conduct, whichever is earlier, except that:~~

~~(a) Where there is a continuing course of conduct, the conduct will be deemed to have been committed at the termination of the course of conduct;~~

~~— (b) Where there is a pattern of recurring judicial misconduct and at least one act occurs within the 3 year or 1 year period, as applicable, the Commission may consider all prior acts or omissions related to that pattern; and~~

~~— (c) Any period in which the judge has concealed or conspired to conceal evidence of misconduct is not included in the computation of the time limit for the filing of a complaint pursuant to this section.~~

~~— 3. Within 18 months after the receipt of a complaint pursuant to this section, the Commission shall:~~

~~— (a) Dismiss the complaint with or without a letter of caution;~~

~~— (b) Attempt to resolve the complaint informally as required pursuant to NRS 1.4665;~~

~~— (c) Enter into a deferred discipline agreement pursuant to NRS 1.468;~~

~~— (d) With the consent of the judge, impose discipline on the judge pursuant to an agreement between the judge and the Commission; or~~

~~— (e) Authorize the filing of a formal statement of the charges based on a finding that there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly establish] , **supported by clear and convincing evidence, of establishing grounds for disciplinary action.** (Deleted by amendment.)~~

Sec. 4. ~~[NRS 1.4667 is hereby amended to read as follows:~~

~~— 1.4667 — 1. The Commission shall review the report prepared pursuant to NRS 1.4663 to determine whether there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly establish] , **supported by clear and convincing evidence, of establishing grounds for disciplinary action** against a judge.~~

~~— 2. If the Commission determines that such a reasonable probability does not exist, the Commission shall dismiss the complaint with or without a letter of caution. The Commission may consider a letter of caution when deciding the appropriate action to be taken on a subsequent complaint against a judge unless the caution is not relevant to the misconduct alleged in the subsequent complaint.~~

~~— 3. If the Commission determines that such a reasonable probability exists, the Commission shall [require] **provide** the judge **an opportunity** to respond to the complaint in accordance with procedural rules adopted by the Commission.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 1.467 is hereby amended to read as follows:~~

~~— 1.467 — 1. After **providing** a judge [responds] **an opportunity to respond** to the complaint as required pursuant to NRS 1.4667, the Commission shall make a finding of whether there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly establish] , **supported by clear and convincing evidence, of establishing grounds for disciplinary action** against the judge.~~

~~— 2. If the Commission finds that such a reasonable probability does not exist, the Commission shall dismiss the complaint with or without a letter of caution. The Commission may consider a letter of caution when deciding the~~

appropriate action to be taken on a subsequent complaint against a judge unless the caution is not relevant to the misconduct alleged in the subsequent complaint.

~~3. If the Commission finds that such a reasonable probability exists, but reasonably believes that the misconduct would be addressed more appropriately through rehabilitation, treatment, education or minor corrective action, the Commission may enter into a deferred discipline agreement with the judge for a definite period as described in NRS 1.468.~~

~~4. The Commission shall not dismiss a complaint with a letter of caution or enter into a deferred discipline agreement with a judge if:~~

~~(a) The misconduct of the judge involves the misappropriation of money, dishonesty, deceit, fraud, misrepresentation or a crime that adversely reflects on the honesty, trustworthiness or fitness of the judge;~~

~~(b) The misconduct of the judge resulted or will likely result in substantial prejudice to a litigant or other person;~~

~~(c) The misconduct of the judge is part of a pattern of similar misconduct;~~
~~or~~

~~(d) The misconduct of the judge is of the same nature as misconduct for which the judge has been publicly disciplined or which was the subject of a deferred discipline agreement entered into by the judge within the immediately preceding 5 years.~~

~~5. If the Commission finds that such a reasonable probability exists and that formal proceedings are warranted, the Commission shall, in accordance with its procedural rules, designate special counsel to sign under oath and file with the Commission a formal statement of charges against the judge.~~

~~6. Within 20 days after service of the formal statement of charges, the judge shall file an answer with the Commission under oath. If the judge fails to answer the formal statement of charges within that period, the Commission shall deem such failure to be an admission that the charges set forth in the formal statement:~~

~~(a) Are true; and~~

~~(b) Establish grounds for discipline pursuant to NRS 1.4653.~~

~~7. The Commission shall adopt rules regarding disclosure and discovery after the filing of a formal statement of charges.~~

~~8. By leave of the Commission, a statement of formal charges may be amended at any time, before the close of the hearing, to allege additional matters discovered in a subsequent investigation or to conform to proof presented at the hearing if the judge has adequate time, as determined by the Commission, to prepare a defense.~~ **(Deleted by amendment.)**

Sec. 6. **[NRS 1.468 is hereby amended to read as follows:**

~~1.468 1. Except as otherwise provided in subsections 2 and 3, if the Commission reasonably believes that a judge has committed an act or engaged in a behavior that would be addressed most appropriately through rehabilitation, treatment, education or minor corrective action, the Commission may enter into an agreement with the judge to defer formal~~

~~disciplinary proceedings and require the judge to undergo the rehabilitation, treatment, education or minor corrective action.~~

~~— 2. The Commission may not enter into an agreement with a judge to defer formal disciplinary proceedings if the Commission has determined, pursuant to NRS 1.467, that there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly establish] ***supported by clear and convincing evidence, of establishing*** grounds for disciplinary action against the judge pursuant to NRS 1.4653.~~

~~— 3. The Commission may enter into an agreement with a judge to defer formal disciplinary proceedings only in response to misconduct that is minor in nature.~~

~~— 4. A deferred discipline agreement entered into pursuant to this section must be in writing and must specify the conduct that resulted in the agreement. A judge who enters into such an agreement must agree:~~

~~— (a) To the specified rehabilitation, treatment, education or minor corrective action;~~

~~— (b) To waive the right to a hearing before the Commission; and~~

~~— (c) That the agreement will not be protected by confidentiality for the purpose of any subsequent disciplinary proceedings against the judge;~~

~~— and the agreement must indicate that the judge agreed to the terms set forth in paragraphs (a), (b) and (c). Such an agreement must expressly authorize the Commission to revoke the agreement and proceed with any other disposition of the complaint or formal statement of charges authorized by NRS 1.467 if the Commission finds that the judge has failed to comply with a condition of the agreement.~~

~~— 5. The Executive Director of the Commission shall monitor the compliance of the judge with the agreement. The Commission may require the judge to document his or her compliance with the agreement. The Commission shall give the judge written notice of any alleged failure to comply with any condition of the agreement and shall allow the judge not less than 15 days to respond.~~

~~— 6. If the judge complies in a satisfactory manner with the conditions imposed in the agreement, the Commission may dismiss the complaint or take any other appropriate action.] **(Deleted by amendment.)**~~

Sec. 7. [The Commission on Judicial Discipline:

~~— 1. Shall apply the amendatory provisions of this act which govern the procedures applicable to proceedings arising under NRS 1.425 to 1.4695, inclusive, to any such proceedings that are within the jurisdiction of the Commission and commenced on or after October 1, 2021, whether or not the conduct at issue in such proceedings occurred before October 1, 2021.~~

~~— 2. May apply the amendatory provisions of this act which govern the procedures applicable to proceedings arising under NRS 1.425 to 1.4695, inclusive, to any such proceedings that were commenced before October 1, 2021, and are still within the jurisdiction of the Commission and pending before the Commission on October 1, 2021, unless the Commission determines~~

~~that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission shall apply the procedures in effect before October 1, 2021. (Deleted by amendment.)~~

~~Sec. 8. [The amendatory provisions of subsection 4 of section 1 of this act that limit a regular member of the Commission on Judicial Discipline to serving two 4 year terms apply prospectively on or after October 1, 2021. Terms of service by current or former members of the Commission before October 1, 2021, do not apply towards the two terms a member is permitted to serve under subsection 4 of section 1 of this act. If a current or former member of the Commission begins a new term after October 1, 2021, the new term must be counted as the member's first term for the purpose of subsection 4 of section 1 of this act.] (Deleted by amendment.)~~

Sec. 9. The Legislature hereby respectfully requests that the Nevada Supreme Court:

1. Study and make recommendations concerning the procedural and substantive statutes and rules of the Commission on Judicial Discipline; and

2. Compile all statistics, other than confidential statistics, relating to the work of the Commission on Judicial Discipline for consideration by the Legislature.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 51.

Bill read second time.

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

Amendment No. 30.

AN ACT relating to contractors; revising provisions governing the eligibility of an injured person to recover damages from the Recovery Fund administered by the State Contractors' Board; limiting the rights which are assigned to the Board by an injured person who recovers satisfaction of a judgment from the Recovery Fund; increasing the amount of an administrative fine which the Board may impose against a residential contractor for failing to notify an owner of certain rights relating to the Recovery Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, subject to certain exceptions, an owner of a single-family residence who suffers actual damages as a result of the acts or omissions of a residential contractor who is licensed by the State Contractors' Board may be eligible to recover damages from the Recovery Fund administered by the Board. (NRS 624.400-624.560)

Section 1 of this bill defines “single-family residence” for the purpose of establishing eligibility to recover damages from the Recovery Fund.

Existing law provides that an injured person who has obtained a judgment against a residential contractor for an eligible claim: (1) may apply to the Board for satisfaction of the judgment; and (2) upon obtaining payment from the Recovery Fund, assigns to the Board his or her rights to enforce the judgment. (NRS 624.490) **Section 4** of this bill provides that: (1) such an assignment is limited to the amount of the injured person’s payment from the Recovery Fund; and (2) the injured person retains all other applicable rights.

Section 5 of this bill increases the amount of an administrative fine which the Board may impose upon a residential contractor for failure to notify an owner with whom the contractor contracts of the rights of the owner relating to the Recovery Fund.

Sections 2, 3, 6 and 7 of this bill make conforming changes to indicate the placement of the new definitional section in the subchapter, “Recovery Fund,” in chapter 624 of NRS.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, “single-family residence” means:*

(a) *A detached, stand-alone dwelling which is built upon a foundation and situated on its own real property parcel ; ~~that is intended for habitation by one family unit,~~ or*

(b) *An individual condominium unit, townhouse unit or duplex unit,
↳ that serves as the residence for its owner.*

2. *Except as otherwise provided in subsection 3, the term includes:*

(a) *Any improvements associated with the dwelling that are affixed to the real property parcel.*

(b) ~~*A mobile or manufactured home that qualifies as real property pursuant to NRS 361.244 and otherwise meets the description set forth in paragraph (a) of subsection 1.*~~

~~*(c) Any other real property which:*~~

(1) *Has a unique assessor’s parcel number or other unique identifier;
and*

(2) *Is occupied as a residence by the owner of the property.*

3. *The term does not include:*

(a) *Any mobile or manufactured home.*

(b) *Personal property.*

~~*(c) Common areas or common elements of a condominium or other multi-family dwelling. As used in this paragraph, “common elements” has the meaning ascribed to it in NRS 116.017.*~~

~~##(e)~~ *(d) Improvements to any real property that is not owned by the dweller of the residence.*

~~##(d)~~ *(e) Any dwelling or real property improvement which is rented or leased on a full- or part-time basis by a person who is not a member of the owner's family. As used in this paragraph, "member of the owner's family" means a person related to the owner by blood, adoption, marriage or domestic partnership within the second degree of consanguinity or affinity.*

Sec. 2. NRS 624.400 is hereby amended to read as follows:

624.400 As used in NRS 624.400 to 624.560, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 624.410 to 624.460, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 624.470 is hereby amended to read as follows:

624.470 1. Except as otherwise provided in subsection 3, in addition to the fee for a license required pursuant to NRS 624.280, a residential contractor shall pay to the Board an assessment not to exceed the following amount, if the monetary limit on the residential contractor's license is:

Not more than \$1,000,000	\$200 per biennium
More than \$1,000,000 but limited	500 per biennium
Unlimited.....	1,000 per biennium

2. The Board shall administer and account separately for the money received from the assessments collected pursuant to subsection 1. The Board may refer to the money in the account as the "Recovery Fund."

3. The Board shall reduce the amount of the assessments collected pursuant to subsection 1 when the balance in the account reaches 150 percent of the largest balance in the account during the previous fiscal year.

4. Except as otherwise provided in NRS 624.540, the money in the account must be used to pay claims made by injured persons, as provided in NRS 624.400 to 624.560, inclusive ~~##~~, *and section 1 of this act.*

Sec. 4. NRS 624.490 is hereby amended to read as follows:

624.490 Within 2 years after an injured person has obtained a judgment in any court of competent jurisdiction for recovery of damages against a residential contractor for an act or omission of the residential contractor that is in violation of this chapter or the regulations adopted pursuant thereto, the injured person may apply to the Board for satisfaction of the judgment from the account if:

1. The proceedings in connection with the judgment have terminated, including appeals;

2. The injured person submits an application on a form established for this purpose by the Board;

3. The injured person submits proof satisfactory to the Board of the judgment; and

4. Upon obtaining payment from the account, the injured person assigns *to the Board* his or her rights to enforce the judgment ~~to the Board~~ *up to the*

amount of his or her payment from the account. All other applicable rights remain with the injured person.

Sec. 5. NRS 624.520 is hereby amended to read as follows:

624.520 1. A residential contractor shall notify an owner with whom he or she contracts of the rights of the owner pursuant to NRS 624.400 to 624.560, inclusive, ***and section 1 of this act***, including, without limitation, providing a written statement explaining those rights in any agreement or contract for qualified services. The written statement must be in substantially the following form:

RESIDENTIAL CONSTRUCTION RECOVERY FUND

Payment may be available from the Recovery Fund if you are damaged financially by a project performed on your residence pursuant to a contract, including construction, remodeling, repair or other improvements, and the damage resulted from certain specified violations of Nevada law by a contractor licensed in this State. To obtain information relating to the Recovery Fund and filing a claim for recovery from the Recovery Fund, you may contact the State Contractors' Board.

2. The Board may impose upon a contractor an administrative fine:

- (a) Of not more than ~~100~~ **\$250** for the first violation of subsection 1; and
- (b) Of not more than ~~250~~ **\$500** for a second or subsequent violation of subsection 1.

3. The Board shall deposit any money received pursuant to this section in the account established pursuant to NRS 624.470.

Sec. 6. NRS 624.530 is hereby amended to read as follows:

624.530 1. The provisions of NRS 624.400 to 624.560, inclusive, ***and section 1 of this act*** do not limit the authority of the Board to take disciplinary action against a residential contractor.

2. If the Board or its designee finds that an owner recovered from the account an amount paid by the owner to obtain a release of a lien recorded against property to be improved by a construction project as a result of a residential contractor's act or omission as described in subsection 2 of NRS 624.3012, in addition to any disciplinary action that the Board takes against the residential contractor pursuant to subsection 1, the Board may:

- (a) Suspend or revoke the license of the residential contractor; and
- (b) Prohibit the issuance, reinstatement or renewal of a license to the residential contractor and any officer, director, associate or partner thereof, unless the residential contractor or any officer, director, associate or partner thereof repays to the account or the owner, or both, as appropriate, any amount paid out of the account or by the owner as a result of the act or omission of the residential contractor.

Sec. 7. NRS 624.560 is hereby amended to read as follows:

624.560 The Board shall adopt such regulations as are necessary to carry out the provisions of NRS 624.400 to 624.560, inclusive, **and section 1 of this act**, including, without limitation, regulations governing:

1. The disbursement of money from the account; and
2. The manner in which a complaint is filed with the Board or its designee pursuant to NRS 624.480.

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

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 171.

AN ACT relating to public lands; revising the membership and duties of the Land Use Planning Advisory Council; authorizing the removal of ~~to~~ **certain** voting ~~member~~ **members** before the expiration of ~~this or her~~ **their** term under certain circumstances; requiring the election of a vice chair of the Advisory Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Land Use Planning Advisory Council, which advises the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources and the State Land Use Planning Agency on issues relating to land use planning. (NRS 321.740, 321.750) The Advisory Council consists of 17 voting members appointed by the Governor and 1 nonvoting member appointed by the Nevada Association of Counties. (NRS 321.740) **Section 1** of this bill adds to the Advisory Council: (1) one ~~nonvoting~~ **voting** member appointed by the Nevada ~~League of Cities~~ **Indian Commission**; and (2) one nonvoting member appointed by the Nevada ~~Indian Commission~~ **League of Cities and Municipalities**.

Existing law provides that the term of a voting member of the Advisory Council is 3 years. (NRS 321.740) **Section 1** provides an exception to the 3-year term if a voting member **appointed by the Governor** is an elected official of the county that he or she represents on the Advisory Council and does not become a candidate for reelection or is defeated for reelection. In such a circumstance, **section 1** authorizes the board of county commissioners to end the person's membership on the Advisory Council before the expiration of the person's 3-year term. If the board of county commissioners ends the person's membership on the Advisory Council: (1) that person's membership on the Advisory Council ends on the date on which his or her term of office as an

elected official of the county ends; and (2) a vacancy exists on the Advisory Council that must be filled for the remainder of the unexpired term.

Existing law requires the Advisory Council to elect a Chair. (NRS 321.740) **Section 1** also requires the election of a Vice Chair.

Existing law sets forth the duties of the Advisory Council. (NRS 321.750) **Section 2** of this bill requires the Advisory Council to also: (1) advise any federal or state agency or local government on land use planning and policy; (2) assist and advise in the resolution of inconsistencies in land use plans, if requested; and (3) make recommendations related to areas of critical environmental concern.

Section 3 of this bill changes the minimum period required to be given in existing law for notice of certain public hearings of the Advisory Council by publication in newspapers from 20 days to 10 days before the hearing. (NRS 321.770)

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

Section 1. NRS 321.740 is hereby amended to read as follows:

321.740 1. The Land Use Planning Advisory Council ~~is consisting of 17~~
is hereby created. The Advisory Council consists of:

(a) *Seventeen* voting members appointed by the Governor. ~~and 1~~

(b) One voting member appointed by the Nevada Indian Commission.

(c) One nonvoting member appointed by the Nevada Association of Counties, or its successor organization. ~~is hereby created.~~

~~1~~ (d) One nonvoting member appointed by the Nevada League of Cities and Municipalities, or its successor organization.

~~1 (d) One nonvoting member appointed by the Nevada Indian Commission.~~

2. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

~~12~~ 3. One voting member must be appointed pursuant to paragraph (a) of subsection 1 by the Governor to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.

~~{3-}~~ 4. If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection ~~{2-}~~ 3, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:

(a) If one person has been nominated, that person; or

(b) If two or more persons have been nominated, the person listed by the board first in order of preference,

➔ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board in writing that none of its nominees will be appointed to the Advisory

Council. Within 30 days after the date of any such notice, the board shall submit to the Governor the name of a new nominee or a list of new nominees.

~~{4- After the initial terms,}~~

5. ***Except as otherwise provided in this subsection, each voting member serves a term of 3 years. If a voting member appointed pursuant to paragraph (a) of subsection 1 is an elected official of the county that he or she represents on the Advisory Council and he or she does not become a candidate for reelection or is defeated for reelection, the board of county commissioners of that county may end the person's membership on the Advisory Council before the expiration of his or her 3-year term. If the board of county commissioners ends the person's membership on the Advisory Council pursuant to this subsection:***

(a) That person's membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and

(b) A vacancy exists in the membership of the Advisory Council that must be filled for the remainder of the unexpired term pursuant to subsection 3 or 4, as applicable.

6. ***Any voting member*** is eligible for reappointment to the Advisory Council.

~~{5-}~~ 7. The nonvoting ~~{member}~~ ***members*** of the Advisory Council ~~{serves}~~ ***serve*** at the pleasure of the ~~{Nevada Association of Counties, or its successor organization.}~~

~~—6-}~~ ***appointing authority.***

8. At its first meeting each year, the Advisory Council shall elect a Chair ***and Vice Chair*** from among its ***voting*** members.

~~{7-}~~ 9. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

~~{8-}~~ 10. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

Sec. 2. NRS 321.750 is hereby amended to read as follows:

321.750 The Land Use Planning Advisory Council shall:

1. Advise the Administrator on the development and distribution to cities and counties of information useful to land use planning.

2. Advise the State Land Use Planning Agency regarding the development of plans and statements of policy pursuant to subsection 1 of NRS 321.7355.

3. Work cooperatively with the Attorney General and the Nevada Association of Counties as required pursuant to subsection 3 of NRS 405.204.

4. Advise any federal or state agency or local government on land use planning and policy, including, without limitation, developing a statement of policy, drafting a resolution or providing formal comment on land use planning policies and land management projects of any federal or state agency or local government.

5. Assist and advise in the resolution of inconsistencies in land use plans, if requested.

6. Make recommendations related to areas of critical environmental concern pursuant to NRS 321.770.

Sec. 3. NRS 321.770 is hereby amended to read as follows:

321.770 1. The State Land Use Planning Agency shall provide assistance in land use planning for areas of critical environmental concern:

(a) When the Governor directs that the Agency review and assist in land use planning for an area the Governor finds to be of critical environmental concern.

(b) When one or more local government entities request that the Agency advise and assist in land use planning for an area which affects them and which they consider to be of critical environmental concern.

2. Upon receipt of a directive or a request pursuant to subsection 1, the Administrator shall study the problems of the area described and meet with the affected local government entities to receive their initial comments and recommendations. The Administrator shall then submit the matter of planning for the area of critical environmental concern to the Land Use Planning Advisory Council for consideration and recommendation.

3. The Land Use Planning Advisory Council shall include in its procedures one or more public hearings upon notice given by at least one publication at least ~~{20}~~ **10** days before the hearing in a newspaper or combination of newspapers having general circulation throughout the area affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.

4. Following completion of the hearings and consideration of other information, the Land Use Planning Advisory Council shall make its final recommendations for land use planning policies in the area of critical

environmental concern. The recommendations may include proposed land use regulations to carry out such policies.

5. No land use regulation adopted by the Land Use Planning Advisory Council pursuant to this section may become effective without the approval of the Governor.

Sec. 4. This act becomes effective on July 1, 2021.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 140.

AN ACT relating to tobacco; increasing the minimum **legal sales** age ~~to purchase~~ **for** tobacco products; revising the punishment for certain prohibited acts relating to the sale of tobacco products; revising certain definitions relating to tobacco products for the purposes of the regulation and taxation of tobacco products; eliminating certain duplicative requirements concerning the sale of cigarettes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to a child under the age of 18 years. (NRS 202.24935, 370.521) **Sections 1, 2 and 8** of this bill prohibit a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to a person under 21 years of age. **Section 3** of this bill revises the provisions governing the random, unannounced inspection of locations that sell tobacco products to make conforming changes which are necessary because of the increase in the minimum **legal sales** age ~~[to purchase]~~ **for** tobacco products. **Section 3 also requires that, to the extent possible, an inspection of each location must be conducted at least once every 3 years.**

Section 2 removes the existing penalty for a person who knowingly distributes cigarettes, cigarette paper or other tobacco products to a person under 21 years of age through a telephonic, computer or electronic network, and **sections 2 and 6** of this bill instead make distributing cigarettes, cigarette paper or other tobacco products to a person under 21 years of age through a telephonic, computer or electronic network punishable by certain administrative, civil or criminal penalties.

Existing law requires a person who sells cigarettes, cigarette paper or other tobacco products through an electronic network to use an independent, third-party age verification service to establish the age of the customer before sending the items to the customer. A seller may alternatively require the customer to create an online account which requires the customer to provide certain personal information or a copy

of a government-issued identification card. (NRS 202.24935) Section 2 eliminates the authorization for sellers to require a customer to create an online account, thereby requiring sellers to use an independent, third-party age verification system to establish the age of a customer for each sale.

Existing law generally defines tobacco products to include cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products and alternative nicotine products. (NRS 370.007-370.055) **Sections 4 and 5** of this bill revise certain definitions relating to the regulation and taxation of tobacco products to standardize the terminology found throughout NRS.

Section 9 of this bill eliminates a requirement of existing law relating to the mailing or shipment of cigarettes that conflict with requirements regarding the sale of cigarettes through a computer, telephonic or electronic network. ~~[Section 7 of this bill makes conforming changes to remove a reference to the requirements eliminated by section 9.]~~ **(NRS 370.323) Section 9 also repeals the statutory provision creating criminal penalties for the: (1) sale of tobacco without a proper license; (2) sale of tobacco without confirming the age of the buyer; and (3) failure to submit a report of sales of tobacco to the Department of Taxation. (NRS 370.395) Sections 3.5 and 8.5 of this bill make conforming changes by removing references to the repealed section.**

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

Section 1. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished ~~by a fine of \$100 and a civil penalty of \$100.~~ **as provided in chapter 370 of NRS.** As used in this subsection, “smokeless product made or derived from tobacco” means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.

2. The owner of a retail establishment shall, whenever any product made or derived from tobacco, vapor product or alternative nicotine product is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes, other tobacco products, vapor products and alternative nicotine products to ~~minors~~ **persons under 21 years of age** is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340.

↪ A person who violates this subsection shall be punished by a fine of not more than \$100.

3. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

↪ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than \$500.

Sec. 2. NRS 202.24935 is hereby amended to read as follows:

202.24935 1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to a ~~child~~ **person** under the age of ~~18~~ **21** years through the use of a computer network, telephonic network or other electronic network.

2. ~~A person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500. Any money~~

~~recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection 9 of NRS 370.521.~~

~~—3—~~ Every person who sells or distributes cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to an ultimate consumer in this State through the use of a computer network, telephonic network or electronic network shall:

(a) Ensure that the packaging or wrapping of the items when they are shipped is clearly marked with the word “cigarettes” or, if the items being shipped are not cigarettes, the words “tobacco ~~products.”~~ products” or “vapor products,” as applicable.

(b) ~~Perform~~ Obtain the full name, date of birth and residential address of the purchaser and perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes that the person is over the age of ~~18~~ **21** years ~~and use a method of mail, shipping or delivery that requires the signature of a person over the age of 18 21 years before the items are released to the purchaser, unless the person:~~

~~—(1) Requires the customer to:~~

~~—(i) Create an online profile or account with personal information, including, without limitation, a name, address, social security number and a valid phone number, that is verified through publicly available records; or~~

~~(II) Upload a copy of a government issued identification card that includes a photograph of the customer, and~~

~~(2) Sends the package containing the items to the name and address of the customer who ordered the items.]~~

~~3. [A person who violates this section shall be punished as provided in chapter 370 of NRS.]~~ Every person who makes sales as described in subsection 2 must certify annually to the Attorney General that the person uses an independent, third-party age verification service as described in paragraph (b) of subsection 2.

4. In addition to or in lieu of any other civil or criminal remedy provided by law, a person who violates this section is subject to:

(a) A civil penalty in an amount not more than \$1,000 for each violation; and

(b) The suspension or revocation of the license of the person by the Department of Taxation, if the person is licensed pursuant to chapter 370 of NRS.

5. Any violation of subsection 2 constitutes a deceptive trade practice for the purpose of NRS 598.0903 to 598.0999, inclusive.

6. For the purposes of this section, any sale of cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to a natural person in this State who does not intend to resell the item constitutes a sale to an ultimate consumer.

Sec. 3. NRS 202.2496 is hereby amended to read as follows:

202.2496 1. As necessary to comply with any applicable federal law, the Attorney General shall conduct random, unannounced inspections at locations where tobacco, products made or derived from tobacco, vapor products and alternative nicotine products are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493, 202.2494 and 370.521, as applicable. To the extent possible, an inspection of each location must be conducted pursuant to this section at least once every 3 years. For assistance in conducting any such inspection, the Attorney General may contract with:

(a) Any sheriff's department;
(b) Any police department; or
(c) Any other person who will, in the opinion of the Attorney General, perform the inspection in a fair and impartial manner.

2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.

3. A ~~child~~ **person** assisting in an inspection pursuant to this section shall, if questioned about his or her age, state his or her true age. ~~[and that he or she is under 18 years of age.]~~

4. If a ~~child~~ **person under 21 years of age** is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the ~~child's~~ appearance *of the person* to make the ~~child~~ *person* appear to be ~~18~~ *21* years of age or older.

(b) Photograph the ~~child~~ *person attempting to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products* immediately before the inspection is to occur and retain any photographs taken of the ~~child~~ *person* pursuant to this paragraph.

5. The person supervising an inspection using the assistance of a ~~child~~ *person under 21 years of age* shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the ~~child~~ *person* attempted to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

(1) The name of the person who supervised the inspection and that person's position;

(2) The age and date of birth of the ~~child~~ *person* who assisted in the inspection;

(3) The name and position of the person from whom the ~~child~~ *person who assisted in the inspection* attempted to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products;

(4) The name and address of the establishment at which the ~~child~~ *person* attempted to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products;

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of tobacco, products made or derived from tobacco, vapor products or alternative nicotine products to the ~~child~~ *person under 21 years of age*.

6. No administrative, civil or criminal action based upon an alleged violation of NRS 202.2493, 202.2494 or 370.521 may be brought as a result of an inspection for compliance in which the assistance of a ~~child~~ *person under 21 years of age* has been enlisted *to attempt to purchase tobacco, products made or derived from tobacco, vapor products or alternative nicotine products* unless the inspection has been conducted in accordance with the provisions of this section.

Sec. 3.5. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 201.395, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, ~~370.395,~~ 370.405, 465.070 to 465.086, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644A.900 or 654.200.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.086, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 4. NRS 370.0285 is hereby amended to read as follows:

370.0285 1. "Delivery sale" means any sale of cigarettes, *cigarette paper or other tobacco products*, whether the seller is located within or outside of the borders of this State, to a consumer in this State for which:

(a) The purchaser submits the order for the sale by means of a telephonic or other method of voice transmission, the mail or any other delivery service, or the Internet or any other on-line service; or

(b) The cigarettes, **cigarette paper or other tobacco products** are delivered by mail or the use of another delivery service.

2. For the purpose of this section, any sale of cigarettes, **cigarette paper or other tobacco products** to a natural person in this State who does not hold a current license as a wholesale or retail dealer constitutes a sale to a consumer.

Sec. 5. NRS 370.0318 is hereby amended to read as follows:

370.0318 “Other tobacco product” means any tobacco of any description, any vapor product, any alternative nicotine product or any product made **or derived** from tobacco, other than cigarettes.

Sec. 6. NRS 370.321 is hereby amended to read as follows:

370.321 1. ~~1. A person shall not accept an order for a delivery sale unless the person first obtains a license as a retail dealer.~~

~~2.~~ A person who accepts an order for a delivery sale shall comply with all of the requirements of this chapter and chapters **202**, 370A, 372 and 374 of NRS, and all other laws of this State generally applicable to sales of cigarettes, **cigarette paper or other tobacco products** that occur entirely within this State.

2. In addition to any other penalty authorized by law, the Attorney General may seek civil penalties against any person engaging in delivery sales in violation of this chapter or chapter 202 of NRS. Each violation is subject to a civil penalty in an amount not to exceed \$1,000. Any civil penalty recovered pursuant to this section for a violation of NRS 202.24935 must be deposited into a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

Sec. 7. ~~NRS 370.395 is hereby amended to read as follows:~~

~~370.395 A person who:~~

~~1. Knowingly **knowingly** violates any of the provisions of NRS 370.321, 370.323 or 370.327; or~~

~~2. Knowingly and falsely submits a certification pursuant to paragraph (a) of subsection 1 of NRS 370.323 in the name of another person;~~

~~3. Is guilty of a category C felony and shall be punished as provided in NRS 193.130. **(Deleted by amendment.)**~~

Sec. 8. NRS 370.521 is hereby amended to read as follows:

370.521 1. Except as otherwise provided in subsections 2 and 3, a person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any ~~child~~ **person** under the age of ~~18~~ **21** years.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper or other tobacco products, the person:

(a) Demands that the other person present a valid driver’s license, permanent resident card, tribal identification card or other written or

documentary evidence which shows that the other person is ~~18~~ 21 years of age or older;

(b) Is presented a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is ~~18~~ 21 years of age or older; and

(c) Reasonably relies upon the driver's license, permanent resident card, tribal identification card or other written or documentary evidence presented by the other person.

3. The employer of a ~~child~~ **person** who is under ~~18~~ 21 years of age may, for the purpose of allowing the ~~child~~ **person** to handle or transport cigarettes, cigarette paper or other tobacco products, in the course of the ~~child's~~ **person's** lawful employment, provide cigarettes, cigarette paper or other tobacco products to the ~~child~~ **person under 21 years of age**.

4. A person who violates this section is liable for a civil penalty of:

(a) For the first violation within a 24-month period, \$100.

(b) For the second violation within a 24-month period, \$250.

(c) For the third and any subsequent violation within a 24-month period, \$500.

5. If an employee or agent of a licensee has violated this section:

(a) For the first and second violation within a 24-month period at the same premises, the licensee must be issued a warning.

(b) For the third violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of \$500.

(c) For the fourth violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of \$1,250.

(d) For the fifth and any subsequent violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of \$2,500.

6. A peace officer or any person performing an inspection pursuant to NRS 202.2496 may issue a notice of infraction for a violation of this section. A notice of infraction must be issued on a form prescribed by the Department and must contain:

(a) The location at which the violation occurred;

(b) The date and time of the violation;

(c) The name of the establishment at which the violation occurred;

(d) The signature of the person who issued the notice of infraction;

(e) A copy of the section which allegedly is being violated;

(f) Information advising the person to whom the notice of infraction is issued of the manner in which, and the time within which, the person must submit an answer to the notice of infraction; and

(g) Such other pertinent information as the peace officer or person performing the inspection pursuant to NRS 202.2496 determines is necessary.

7. A notice of infraction issued pursuant to subsection 6 or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a

duty imposed by law and is prima facie evidence of the facts alleged in the notice.

8. A person to whom a notice of infraction is issued pursuant to subsection 6 shall respond to the notice by:

(a) Admitting the violation stated in the notice and paying to the ~~Department~~ **State of Nevada** the applicable civil penalty set forth in subsection 4 or 5.

(b) Denying liability for the infraction by notifying the Department and requesting a hearing in the manner indicated on the notice of infraction. Upon receipt of a request for a hearing pursuant to this paragraph, the Department shall provide the person submitting the request an opportunity for a hearing pursuant to chapter 233B of NRS.

9. Any money collected by the ~~Department~~ **State of Nevada** from a civil penalty pursuant to this section must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

10. As used in this section, “licensee” means a person who holds a license issued by the Department pursuant to this chapter.

Sec. 8.5. NRS 370.525 is hereby amended to read as follows:

370.525 1. Except as otherwise provided in subsection 2, a person may institute a civil action in a court of competent jurisdiction for appropriate injunctive relief if the person:

(a) Sells, distributes or manufactures cigarettes; and

(b) Sustains direct economic or commercial injury as a result of a violation of NRS 370.090 to 370.327, inclusive, 370.380, 370.382, 370.385, ~~370.395,~~ 370.405, 370.410 or 370.531 to 370.597, inclusive.

2. Nothing in this section authorizes an action against this State, a political subdivision of this State, or an officer, employee or agency thereof.

Sec. 9. NRS 370.323 ~~is~~ **and 370.395** are hereby repealed.

Sec. 10. 1. This section and sections 1, ~~2, 3, 4~~ **to 3.5, inclusive,** and 6 to 9, inclusive, of this act become effective upon passage and approval.

2. Sections 4 and 5 of this act become effective on July 1, 2021.

TEXT OF REPEALED ~~SECTION~~ SECTIONS

370.323 Prerequisites to mailing or shipment of cigarettes; requests for electronic mail addresses of prospective purchasers.

1. A person shall not cause the mailing or shipment of cigarettes in connection with an order for a delivery sale unless the person accepting the order first:

(a) Obtains from the prospective purchaser a certification which includes:

(1) Reliable confirmation that the purchaser is at least 18 years of age; and

(2) A statement signed by the prospective purchaser in writing and under penalty of perjury which:

(I) Certifies the prospective purchaser’s address and date of birth;

(II) Confirms that the prospective purchaser understands that signing another person's name to such certification is illegal and that sales of cigarettes to children under 18 years of age are illegal under the laws of this State; and

(III) Confirms that the prospective purchaser desires to receive mailings from a tobacco company.

(b) Makes a good faith effort to verify the information contained in the certification provided by the prospective purchaser pursuant to paragraph (a) against any federal or commercially available database established for that purpose.

(c) Sends to the prospective purchaser, by electronic mail or other means, a notice which meets the requirements of subsection 2 and requests confirmation that the order for the delivery sale was placed by the prospective purchaser.

(d) Receives from the prospective purchaser confirmation, pursuant to the request described in paragraph (c), that such person placed the order for the delivery sale.

(e) Receives payment for the delivery sale from the prospective purchaser by a credit or debit card that has been issued in that purchaser's name.

2. The notice required by paragraph (c) of subsection 1 must include:

(a) A prominent and clearly legible statement that the sale of cigarettes to children under 18 years of age is illegal;

(b) A prominent and clearly legible statement that the sale of cigarettes is restricted to persons who provide verifiable proof of age in accordance with this section; and

(c) A prominent and clearly legible statement that sales of cigarettes are taxable under this chapter, and an explanation of how the tax has been or is to be paid with respect to the delivery sale.

3. Persons accepting orders for delivery sales may request that prospective purchasers provide their electronic mail addresses.

370.395 Penalty for violation of NRS 370.321, 370.323 or 370.327. A person who:

1. Knowingly violates any of the provisions of NRS 370.321, 370.323 or 370.327; or

2. Knowingly and falsely submits a certification pursuant to paragraph (a) of subsection 1 of NRS 370.323 in the name of another person,

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 41.

AN ACT relating to education; increasing the period within which a meeting must be held by the State Public Charter School Authority to consider an application to form a charter school; exempting certain charter schools from certain performance frameworks; authorizing the sponsor of a charter school to eliminate certain ~~grade levels and~~ **elementary, middle or high schools in or** campuses ~~in~~ **of** a charter school in certain circumstances; revising provisions relating to the performance of a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a committee to form a charter school or a charter management organization to submit an application to form a charter school to the State Public Charter School Authority, and upon approval of the application, the Authority becomes the sponsor of the charter school. (NRS 388A.249, 388A.255) **Section 1** of this bill requires the meeting held by the State Public Charter School Authority to consider such an application to occur not later than 120 days, rather than 60 days, after it receives the application.

Existing law requires: (1) each public school, including, without limitation, a charter school, to be rated pursuant to the statewide system of accountability for public schools; and (2) the charter contract of each charter school to incorporate a performance framework for the school. (NRS 385A.600, 388A.270) Existing law also authorizes a charter school to request to be rated using an alternative performance framework if the charter school meets certain requirements. (NRS 385A.730, 385A.740, 388A.274) Additionally, existing law requires the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, to deny a request to amend a charter contract if the charter school does not meet certain requirements of the performance framework. (NRS 388A.279) Existing law also requires the sponsor of a charter school to terminate the charter contract or restart the charter school under a new charter contract if the charter school receives certain ratings indicating underperformance of the school. (NRS 388A.300) **Section 2** of this bill exempts a charter school that has been approved to be rated using the alternative performance framework from those requirements. **Sections 3 and 4** of this bill make conforming changes to carry out the exemption.

Existing law authorizes the sponsor of a charter school to reconstitute the governing body of a charter school or terminate the contract of a charter school before the expiration of the charter if the sponsor determines that certain criteria are met. Existing law also authorizes the sponsor of a charter school to amend the charter contract to eliminate certain grade levels in the charter school if the sponsor determines that not all of the grade levels meet the criteria for reconstitution or termination. (NRS 388A.330) **Section 5** of this bill authorizes the sponsor of a charter school to also eliminate **elementary, middle or high schools in or** campuses of a charter school in such circumstances. Similarly, **section 4** of this bill authorizes the sponsor of a

charter school to eliminate only the ~~[grade levels in and]~~ **elementary, middle or high schools in or** campuses of a charter school that meet the criteria for termination of the charter contract or restarting of the charter school under a new charter contract. **Section 5** also eliminates duplicative language regarding under performance of a charter school.

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

Section 1. NRS 388A.255 is hereby amended to read as follows:

388A.255 1. If the State Public Charter School Authority receives an application pursuant to subsection 1 of NRS 388A.249 or subsection 4 of NRS 388A.252, it shall consider the application at a meeting which must be held not later than ~~60~~ **120** days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if the requirements of subsection 3 of NRS 388A.249 are satisfied. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

2. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the requirements of subsection 3 of NRS 388A.249 have not been satisfied. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

3. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 2, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

Sec. 2. NRS 388A.274 is hereby amended to read as follows:

388A.274 1. If a charter school wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, the governing body of the charter school may submit to the sponsor of the charter school a request to amend the charter contract of the charter school pursuant to NRS 388A.276 to include the mission statement and admissions policy required by subsection 4 of NRS 385A.740.

2. The sponsor of a charter school may require that:

(a) A request to amend a charter contract described in subsection 1 also include such changes to the academic program, organizational plan and financial model of the charter school as the sponsor of the charter school determines are necessary for a charter school rated using the alternative performance framework; and

(b) A charter school which submits a request to amend a charter contract described in subsection 1 perform such actions as the sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework.

3. The sponsor of a charter school shall evaluate a request to amend a charter contract described in subsection 1 by reviewing the academic, organizational and financial performance of the charter school. If the sponsor of the charter school determines that the charter school is unlikely to achieve academic, organizational or financial success if the request to amend its charter contract is approved, the sponsor of the charter school must deny the request.

4. Unless invited to do so by the sponsor of the charter school, the governing body of a charter school whose request to amend its charter contract is denied pursuant to subsection 3 may not submit a materially similar request for 1 year after the denial of its request.

5. If a proposed sponsor of a charter school approves an application to form a charter school and the proposed sponsor of the charter school determines that the charter school has a mission statement and an admissions policy which satisfy the requirements of subsection 4 of NRS 385A.740, the proposed sponsor of the charter school shall include language in the charter contract entered into with the charter school which provides that:

(a) Except as otherwise provided in paragraph (b), the proposed sponsor of the charter school will submit an application to the State Board on behalf of the charter school for the charter school to be rated using the alternative performance framework within 2 years after the charter school commences operation;

(b) The proposed sponsor of the charter school will submit the application described in paragraph (a) only upon the successful completion by the charter school of such actions as the proposed sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework; and

(c) Upon approval of such an application by the State Board, the performance framework adopted by the proposed sponsor of the charter school will be replaced by the alternative performance framework.

6. *A charter school that is rated using the alternative performance framework pursuant to NRS 385A.730 is exempt from the provisions of paragraph (a) of subsection 3 of NRS 388A.279 and subsection 1 of NRS 388A.300.*

Sec. 3. NRS 388A.279 is hereby amended to read as follows:

388A.279 1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada

System of Higher Education, as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a charter contract of the charter school it sponsors, including, without limitation, a request to amend a charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to NRS 388A.282.

2. A charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a charter contract in the manner described in paragraph (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) ~~The~~ ***Except as otherwise provided in subsection 6 of NRS 388A.274, the*** charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 388A.273; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 4. NRS 388A.300 is hereby amended to read as follows:

388A.300 1. ~~The~~ ***Except as otherwise provided in subsection 6 and subsection 6 of NRS 388A.274, the*** sponsor of a charter school shall terminate the charter contract of the charter school or restart the charter school under a new charter contract if the charter school receives, in any period of 5 consecutive school years, three annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school must not be

included in the count of annual ratings for the purposes of subsection 1 for any school year before the 2015-2016 school year.

3. If a charter contract is terminated or a charter school is restarted pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination or restart of the charter school not later than 10 days after terminating the charter contract or restarting the charter school.

4. The provisions of NRS 388A.330 do not apply to the termination of a charter contract or restart of the charter school pursuant to this section.

5. The Department shall adopt regulations governing procedures to restart a charter school under a new charter contract pursuant to subsection 1. Such regulations must include, without limitation, requiring a charter school that is restarted to enroll a pupil who was enrolled in the charter school before the school was restarted before any other eligible pupil is enrolled.

6. If the sponsor of a charter school determines that not all of the ~~grade levels~~ elementary, middle or high schools in or campuses of the charter school meet the criteria described in subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the ~~grade levels~~ elementary, middle or high schools or campuses which do not meet the criteria described in subsection 1, the sponsor may amend the charter contract to eliminate the ~~grade levels~~ elementary, middle or high schools or campuses that meet the criteria described in subsection 1 and limit the enrollment in all other ~~grade levels~~ elementary, middle or high schools in or campuses of the charter school.

Sec. 5. NRS 388A.330 is hereby amended to read as follows:

388A.330 Except as otherwise provided in NRS 388A.300:

1. Except as otherwise provided in subsection 6, the sponsor of a charter school may reconstitute the governing body of a charter school or terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the charter contract;

(2) Failed to comply with generally accepted standards of fiscal management; **or**

(3) Failed to comply with the provisions of this chapter or any other statute or regulation applicable to charter schools; ~~for~~

~~— (4) Has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school; }~~

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate;

(c) There is reasonable cause to believe that reconstitution or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located;

(d) The committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;

(e) The charter school operates a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

(f) The charter school operates an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance ~~for the immediately preceding school year~~, as determined by the Department pursuant to the statewide system of accountability for public schools; or

(g) ~~[Pupil achievement and school performance at the]~~ **The charter school is unsatisfactory** ~~has persistently underperformed, including, without limitation, underperformance in pupil achievement and school performance,~~ as determined by the Department pursuant to criteria prescribed by regulation. ~~[By the Department to measure the performance of any public school pursuant to the statewide system of accountability for public schools.]~~

2. Before the sponsor reconstitutes a governing body or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to reconstitute the governing body or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to reconstitute the governing body or terminate the charter contract. If the charter school corrects

the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not reconstitute the governing body or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the governing body of a charter school is reconstituted or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the reconstitution or termination, as applicable, not later than 10 days after reconstituting the governing body or terminating the charter contract.

6. The governing body of a charter school may not be reconstituted if it has been previously reconstituted.

7. If the sponsor of a charter school determines that not all of the ~~[grade levels]~~ **elementary, middle or high schools** in **or campuses of** the charter school meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the ~~[grade levels]~~ **elementary, middle or high schools or campuses** which do not meet the criteria described in those paragraphs, the sponsor may amend the charter contract to eliminate the ~~[grade levels]~~ **elementary, middle or high schools or campuses** that meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and limit the enrollment in all other ~~[grade levels]~~ **elementary, middle or high schools** in **or campuses of** the charter school.

Sec. 6. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 111.

AN ACT relating to economic development; revising provisions relating to the membership of the Board of Economic Development; revising provisions governing the appointment of the Executive Director of the Office of Economic Development within the Office of the Governor; renaming and revising provisions relating to the Division of Motion Pictures within the

Office of Economic Development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) Under existing law, the Board consists of: (1) nine voting members, including the Governor, the Lieutenant Governor, the Secretary of State and six representatives of the private sector; and (2) two nonvoting members, which are the Chancellor of the Nevada System of Higher Education or his or her designee and the Director of the Department of Employment, Training and Rehabilitation. (NRS 231.033) **Section 2** of this bill adds the Director of the Department of Business and Industry as a nonvoting member of the Board. **Section 2** also clarifies that the requirements in existing law relating to a quorum and calling of meetings only apply to the voting members of the Board.

Existing law creates the Office of Economic Development within the Office of the Governor, the administrative and technical activities of which are directed and supervised by an Executive Director. (NRS 231.043, 231.047, 231.053) Under existing law, the Executive Director is required to be appointed by the Governor from a list of three persons recommended by the Board. (NRS 231.047) **Section 4** of this bill changes the number of names that the Board is required to recommend to a maximum of three persons.

Under existing law, the Office of Economic Development consists of the Division of Economic Development and the Division of Motion Pictures. (NRS 231.043) **Section 3** of this bill renames the Division of Motion Pictures as the Nevada Film Office.

Existing law requires the Division of Motion Pictures to formulate a program to promote the production of motion pictures in this State, which must include: (1) a directory of names of persons and governmental agencies in Nevada with the capacity to provide skills and facilities needed for the production of motion pictures; and (2) a library containing audiovisual recordings depicting available locations for the production of motion pictures in Nevada. (NRS 231.127) **Section 1** of this bill removes limitations on the types of motion pictures covered by the program in existing law and includes commercials and other audiovisual media within the program. (NRS 231.020) **Section 5** of this bill removes the requirement for the development of a library of audiovisual recordings of available locations and instead requires that the directory of names and available locations be made available on the Internet website of the Nevada Film Office.

Existing law requires a motion picture company to register with the Division of Motion Pictures before commencing production of a motion picture in Nevada. Under existing law, the registration is required to be signed by the Administrator of the Division of Motion Pictures or, in a county whose population is 700,000 or more (currently Clark County), by the head of the department or agency within the county which is authorized to issue business

licenses on behalf of the county. (NRS 231.128) **Section 6** of this bill eliminates the alternate signature required in larger counties, and therefore all registrations are required to be signed by the Administrator. **Sections 5 and 6** of this bill change the term “motion picture company” to “media production company.”

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

Section 1. NRS 231.020 is hereby amended to read as follows:

231.020 As used in NRS 231.020 to 231.139, inclusive, unless the context otherwise requires, “motion pictures” includes feature films, ~~movies made for broadcast or other electronic transmission, and~~ programs made for broadcast or other electronic transmission ~~in episodes~~, **commercials and other audiovisual media.**

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

- (1) The Governor;
- (2) The Lieutenant Governor;
- (3) The Secretary of State; and
- (4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee; ~~and~~

(2) **The Director of the Department of Business and Industry; and**

(3) The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the *voting members of the* Board constitutes a quorum ~~and if a quorum is present, the affirmative vote of a majority of the voting members of the Board present~~ is required to exercise any power conferred on [sufficient for any official action taken by] the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the *voting* members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 3. NRS 231.043 is hereby amended to read as follows:

231.043 1. There is hereby created within the Office of the Governor the Office of Economic Development, consisting of:

- (a) A Division of Economic Development; and
- (b) ~~A Division of Motion Pictures.~~ ***The Nevada Film Office.***

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 4. NRS 231.047 is hereby amended to read as follows:

231.047 The Executive Director:

1. Must be appointed by the Governor from a list of *not more than* three persons recommended by the Board.

2. Is not in the classified or unclassified service of this State.

3. Serves at the pleasure of the Board, except that he or she may be removed by the Board only if the Board finds that his or her performance is unsatisfactory.

4. Shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.

Sec. 5. NRS 231.127 is hereby amended to read as follows:

231.127 1. The ~~{Division of Motion Pictures}~~ **Nevada Film Office** shall formulate a program to promote the production of motion pictures in Nevada. The program must include development of ~~the~~:

~~(a) A~~ **a** directory of ~~the~~:

(a) **The** names of persons, firms and governmental agencies in this State which are capable of furnishing the skills and facilities needed in all phases of the production of motion pictures; and

(b) ~~{A library containing audiovisual recordings which depict the variety and extent of the}~~ **The** locations in this State which are available for the production of motion pictures ~~{}~~ **, including, without limitation, visual depictions of a variety of such locations.**

↪ The directory ~~{of names and the library of audiovisual recordings}~~ must be kept current and ~~{be cross-referenced}~~ **made available on an Internet website maintained by the Nevada Film Office.**

2. The program may include:

(a) The preparation and distribution of other appropriate promotional and informational material, including advertising, which points out desirable locations within the State for the production of motion pictures, explains the benefits and advantages of producing motion pictures in this State, and describes the services and assistance available from this State and its local governments;

(b) Assistance to ~~{motion picture}~~ **media production** companies in securing permits to film at certain locations and in obtaining other services connected with the production of motion pictures; and

(c) Encouragement of cooperation among local, state and federal agencies and public organizations in the location and production of motion pictures.

Sec. 6. NRS 231.128 is hereby amended to read as follows:

231.128 1. Before a ~~{motion picture}~~ **media production** company begins production of a motion picture in this State, the ~~{motion picture}~~ **media production** company must:

(a) Register with the ~~{Division of Motion Pictures}~~ **Nevada Film Office**; and

(b) Obtain any applicable permits otherwise required by other agencies and political subdivisions of this State.

2. The registration filed with the ~~{Division of Motion Pictures}~~ **Nevada Film Office** must:

(a) Contain a provision which provides that the ~~{motion picture}~~ **media production** company agrees to pay, within 30 days after the filming of the motion picture is completed in this State, all of the debts and obligations incurred by the ~~{motion picture}~~ **media production** company in the production of the motion picture in this State.

(b) Be signed by:

(1) A person who is authorized to enter into an agreement on behalf of the ~~{motion picture}~~ **media production** company; and

(2) The Administrator of the ~~Division of Motion Pictures or, in a county whose population is 700,000 or more, by the head of the department or agency within that county which is authorized to issue business licenses on behalf of the county.~~ **Nevada Film Office.**

Sec. 7. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 8. 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. 9. This act becomes effective on July 1, 2021.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 103.

AN ACT relating to actions concerning persons; exempting certain records concerning a civil action for wrongful conviction from the requirement to be sealed; exempting the State from provisions governing offers of judgment in

an action for wrongful conviction; exempting a judgment for wrongful conviction from interest on certain judgments; clarifying the period of time used to calculate the amount of a judgment for wrongful conviction; **establishing certain limitations applicable to awards for certain items;** limiting the amount of monetary compensation which may be awarded to a person who has previously obtained an award of monetary compensation or a settlement from this State or other governmental entity; requiring a person who previously received compensation for a wrongful conviction, and who subsequently obtains an award of monetary compensation or a settlement from this State for the wrongful conviction, to **notify and** reimburse the State for the amount previously obtained; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to seal all records of a conviction upon entry of a certificate of innocence, if a person is successful in a wrongful conviction action. (NRS 41.910) **Section 1** of this bill exempts records of a conviction maintained by the parties concerning a civil action for wrongful conviction from this requirement. **Section 1** also specifies that such records maintained by the parties must remain confidential.

Under existing law, the State waives its immunity from liability in civil actions brought for a wrongful conviction and consents to have its liability determined in accordance with the rules of law governing civil actions against natural persons and corporations. (NRS 41.920) Existing law authorizes a party in a civil action to serve an offer of judgment upon another party prior to trial and subjects the offeree to certain penalties if the offeree rejects the offer and fails to obtain a more favorable judgment at trial. (NRS 17.117) Existing law also provides that a judgment draws interest from the time of service of the summons and complaint until the judgment is satisfied. (NRS 17.130) **Section 2** of this bill exempts the State from the requirements of the provisions governing offers of judgment in civil actions brought for a wrongful conviction. **Section 2** also exempts a judgment for a wrongful conviction from provisions governing interest on judgments.

Existing law requires a court to award a person who has obtained a certificate of innocence in a wrongful conviction action a certain amount of monetary compensation for each year of imprisonment. (NRS 41.950) **Section 3** of this bill establishes that the period of time used to calculate an award of monetary compensation begins on the date the person was wrongfully convicted and imprisoned and ends on the date the wrongful conviction was reversed or the person was released from prison, whichever is earlier. **Existing law authorizes a court to award such a person payment for certain items, including, without limitation, payment for tuition, health care and counseling services. (NRS 41.950) Section 3 prohibits a court from awarding payment for such items: (1) in an amount greater than \$100,000 per calendar year; and (2) for a length of time that exceeds the period of**

time the person was imprisoned or on parole. Section 3 also establishes certain additional limitations applicable to such items.

Existing law limits an award of monetary compensation for a person who has obtained a certificate of innocence in an action for wrongful conviction and who has previously obtained an award or settlement from the State for the wrongful conviction to the amount provided in NRS 41.950, less the amount previously obtained. (NRS 41.960) **Section 4** of this bill expands the applicability of this limitation to awards and settlements for the wrongful conviction obtained from this State or any other governmental entity. Existing law requires a person who was successful in his or her action against the State for a wrongful conviction pursuant to NRS 41.900, and who subsequently obtains an award or settlement for the wrongful conviction that exceeds the amount previously obtained, to reimburse the State for the amount previously obtained. (NRS 41.960) **Section 4 additionally: (1) expands the application of this requirement to compensation received from the State whether through an award of damages or a settlement; (2) requires such a person to notify the State Board of Examiners of the subsequent award of damages or settlement not later than 4 months after the date of the subsequent award of damages or settlement; (3) requires such a person to reimburse the State not later than 6 months after the date of the subsequent award of damages or settlement; and (4) authorizes a court to order the termination of any future payment for certain items, including, without limitation, payment for tuition, health care and counseling services, if such a person does not so notify the State Board of Examiners or reimburse the State.** Section 4 also exempts awards for certain items including, without limitation, payment for tuition, health care and counseling services from the calculation of the amount of an award or settlement for the purposes of limiting an award or requiring an award to be reimbursed.

Existing law requires a person who was successful in his or her action for a wrongful conviction to submit a claim to the State Board of Examiners. (NRS 41.900, 41.970) Section 4.5 of this bill specifies that payment does not become effective without the prior approval of the State Board of Examiners.

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

Section 1. NRS 41.910 is hereby amended to read as follows:

41.910 1. If a court finds that a person is entitled to a judgment pursuant to NRS 41.900, the court shall enter a certificate of innocence finding that the person was innocent of the felony for which the person was wrongfully convicted.

2. If a court does not find that a person is entitled to a judgment pursuant to NRS 41.900, the action must be dismissed and the court shall not enter a certificate of innocence.

3. Upon an entry of a certificate of innocence pursuant to subsection 1, the court shall order sealed all records of the conviction , ***except such records maintained by the parties concerning a civil action for wrongful conviction brought pursuant to NRS 41.900***, which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada and shall order all such records of the person returned to the file of the court where the underlying criminal action was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the person or the court to have possession of such records. Such records must be sealed regardless of whether the person has any prior criminal convictions in this State.

4. The records maintained by the parties concerning a civil action for wrongful conviction pursuant to subsection 3 must remain confidential.

Sec. 2. NRS 41.920 is hereby amended to read as follows:

41.920 1. The State of Nevada waives its immunity from liability in any action brought pursuant to NRS 41.900 and consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations ~~††~~, ***except that:***

(a) The State shall be exempt from the requirements of NRS 17.117; and

(b) A person who has obtained a certificate of innocence pursuant to NRS 41.910 shall not be entitled to prejudgment or postjudgment interest.

2. An action brought pursuant to NRS 41.900 is not subject to any requirement of an action brought pursuant to NRS 41.031, including, without limitation, the limitations on an award of damages described in NRS 41.035.

3. All provisions of existing law relating to the absolute or qualified immunity of any judicial officer, prosecutor or law enforcement officer, including all applicable provisions of federal and state law, apply to an action brought pursuant to NRS 41.900.

Sec. 3. NRS 41.950 is hereby amended to read as follows:

41.950 1. In an action brought pursuant to NRS 41.900 which results in the court entering a certificate of innocence pursuant to NRS 41.910, the court shall award the person:

(a) If the person was imprisoned for:

(1) One to 10 years, \$50,000 for each year ~~{of imprisonment;}~~ ***from the date the person was imprisoned after his or her wrongful conviction until the date the wrongful conviction was reversed or the person was released from prison, whichever is earlier;***

(2) Eleven to 20 years, \$75,000 for each year ~~{of imprisonment;}~~ ***from the date the person was imprisoned after his or her wrongful conviction until the date the wrongful conviction was reversed or the person was released from prison, whichever is earlier;*** or

(3) Twenty-one years or more, \$100,000 for each year ~~{of imprisonment;}~~ ***from the date the person was imprisoned after his or her wrongful conviction***

until the date the wrongful conviction was reversed or the person was released from prison, whichever is earlier; and

(b) Not less than \$25,000 for each year the person was on parole or not less than \$25,000 for each year the person was required to register as a sex offender, whichever period of time was greater.

2. In addition to any damages awarded pursuant to subsection 1, the court may award:

(a) Reasonable attorney's fees, not to exceed \$25,000, unless a greater amount is authorized by a court upon a finding of good cause shown.

(b) ~~Payment~~ *Subject to the limitations in subsection 6, payment* for the cost of:

(1) Tuition, books and fees for the person to ~~attend~~ *enroll in any course or academic program at* an institution operated by the Nevada System of Higher Education ~~;~~ *commenced not later than 3 years and completed not later than 10 years after the date the award of damages is issued pursuant to subsection 1.*

(2) Participation by the person in ~~a health care program of this State;~~ *Medicare or Medicaid, if the person is eligible for Medicare or Medicaid, or a qualified health plan offered on the health insurance exchange administered by the Silver State Health Insurance Exchange which has been designated by the Exchange as a Bronze or Silver plan, if the person is not eligible for Medicare or Medicaid. The court shall not award payment pursuant to this subparagraph for any period in which the person is enrolled in an employer-based health insurance plan.*

(3) Programs for reentry into the community for the person ~~;~~ *and commenced not later than 3 years and completed not later than 5 years after the date the award of damages is issued pursuant to subsection 1.*

(4) Counseling services for the person ~~;~~ *commenced not later than 2 years after the date the award of damages is issued pursuant to subsection 1.*

~~(5) Housing assistance in an amount not greater than \$15,000 per year.~~

~~(6) Programs for assistance for financial literacy for the person commenced not later than 2 years and completed not later than 3 years after the date the award of damages is issued pursuant to subsection 1.~~

(c) Reimbursement for:

(1) Restitution ordered to be paid by the person in the criminal proceeding for which he or she was wrongfully convicted; and

(2) Medical care paid for by the person while he or she was imprisoned for his or her wrongful conviction. ~~;~~ *and*

(d) Any other relief. ~~;~~ *including, without limitation, housing assistance or assistance for financial literacy for the person.*

3. Any award of damages issued pursuant to subsection 1 must be rounded up to the nearest half year.

4. A court shall not award and a person shall not receive compensation for any period of imprisonment during which the person was concurrently serving

a sentence for a conviction of another offense for which the person was lawfully convicted and imprisoned.

5. If counseling services are awarded to the person pursuant to subsection 2, the person may select a relative to receive counseling with the person. As used in this subsection, “relative” means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

6. A court shall not award payment pursuant to paragraph (b) of subsection 2:

(a) In an amount greater than \$100,000 in a calendar year.

(b) For a length of time that exceeds the period of time described in subsection 1 during which the person was imprisoned or on parole.

7. As used in this section, “qualified health plan” has the meaning ascribed to it in NRS 695I.080.

Sec. 4. NRS 41.960 is hereby amended to read as follows:

41.960 1. If a person in an action brought pursuant to NRS 41.900 has previously won a monetary award against this State *or against any other governmental entity* in a civil action related to his or her wrongful conviction, the person is only entitled to receive any amount described in NRS 41.950, less the award obtained in the previous civil action.

2. If a person in an action brought pursuant to NRS 41.900 has entered into a settlement agreement with this State *or with any other governmental entity* related to his or her wrongful conviction, the person is *only* entitled to receive any amount described in NRS 41.950, less the amount of the settlement agreement.

3. A person who ~~was successful~~ *received compensation from this State* in his or her action brought pursuant to NRS 41.900, *whether through an award of damages or a settlement*, and who subsequently receives a civil settlement or award relating to his or her wrongful conviction ~~that exceeds the amount awarded pursuant to NRS 41.950~~ shall :

(a) Not later than 4 months after the date of the subsequent civil settlement or award, notify the State Board of Examiners of the subsequent civil settlement or award; and

(b) Not later than 6 months after the date of the subsequent civil settlement or award, reimburse this State for ~~this or her award of damages issued pursuant to this act.~~ the compensation previously received, not to exceed the amount of the monetary compensation which the person receives in the subsequent civil ~~action.~~ settlement or award.

4. If a person who received compensation from this State in his or her action brought pursuant to NRS 41.900, whether through an award of damages or a settlement, and who subsequently receives a civil settlement or award relating to his or her wrongful conviction does not notify the State Board of Examiners or reimburse this State pursuant to subsection 3, a court may order the termination of any future payment awarded pursuant to subsection 2 of NRS 41.950.

5. The calculation of an award of damages or a settlement amount pursuant to this section must not include *items listed in subsection 2 of NRS 41.950, including, without limitation*, attorney's fees and the costs for bringing the action.

~~5.1 6.~~ *As used in this section, "governmental entity" has the meaning ascribed to it in NRS 363C.040.*

Sec. 4.5. NRS 41.970 is hereby amended to read as follows:

41.970 To recover damages or other monetary relief awarded by a court pursuant to NRS 41.950, less any adjustment pursuant to NRS 41.960, a person who was successful in his or her action brought pursuant to NRS 41.900 must submit a claim to the State Board of Examiners. The claim must be for payment of the damages or other monetary relief from the Reserve for Statutory Contingency Account, upon approval by the State Board of Examiners. **Payment does not become effective without the prior approval of the State Board of Examiners.**

Sec. 5. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 207.

ASSEMBLYMEN HARDY, WHEELER, KASAMA, HAFEN, KRASNER; **BILBRAY-AXELROD, COHEN, DICKMAN, DURAN, ELLISON, FLORES, GONZÁLEZ, GORELOW, HANSEN, LEAVITT, MARZOLA, MATTHEWS, C.H. MILLER, NGUYEN, O'NEILL, ORENTLICHER, SUMMERS-ARMSTRONG, ROBERTS, TITUS, TOLLES, [AND] TORRES AND YEAGER**

JOINT SPONSORS: SENATORS BUCK, HAMMOND, HARDY, PICKARD; KIECKHEFER AND SEEVERS GANSERT

SUMMARY—~~Provides that there is no~~ **Increases the** limitation of time within which a criminal prosecution for sex trafficking must be commenced. (BDR 14-610)

AN ACT relating to criminal procedure; ~~providing that there is no~~ **increasing the** limitation of time within which a criminal prosecution for sex trafficking must be commenced; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a criminal proceeding for sex trafficking must be commenced within 4 years after the commission of the offense. (NRS 171.085) ~~Sections 1 and 3 of this bill remove the existing~~ **increases the** limitation of time ~~of 4 years and provide that there is no limitation of time~~ within which a criminal prosecution for sex trafficking must begin ~~+~~

~~Sections 2 and 4 of this bill make conforming changes to remove references to sex trafficking from other provisions that are no longer necessary as the result of the changes in this bill.] to 6 years after the commission of the offense.~~

Section 5 of this bill clarifies that the amendatory provisions of this bill apply to a person who: (1) committed sex trafficking before July 1, 2021, if the applicable statute of limitations has commenced but has not yet expired on July 1, 2021; or (2) commits sex trafficking on or after July 1, 2021.

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

Section 1. ~~[NRS 171.080 is hereby amended to read as follows:~~

~~171.080 There is no limitation of the time within which a prosecution for:~~

~~1. Murder, or a sexual assault arising out of the same facts and circumstances as a murder, must be commenced. It may be commenced at any time after the death of the person killed.~~

~~2. A violation of NRS 202.445 must be commenced. It may be commenced at any time after the violation is committed.~~

~~3. Sex trafficking must be commenced. It may be commenced at any time after the violation is committed.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 171.083 is hereby amended to read as follows:~~

~~171.083 1. Except as otherwise provided in NRS 171.080, if, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault [,] or a person authorized to act on behalf of a victim of a sexual assault [,] or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking,] files with a law enforcement officer a written report concerning the sexual assault, [or sex trafficking,] the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault [or sex trafficking] must be commenced.~~

~~2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.~~

~~3. If a victim of a sexual assault [or sex trafficking] is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault [or sex trafficking] is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.~~

~~4. For the purposes of this section, a victim of a sexual assault [or sex trafficking] is under a disability if the victim is insane, intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.~~

~~5. As used in this section, "law enforcement officer" means:~~

~~(a) A prosecuting attorney;~~

~~(b) A sheriff of a county or the sheriff's deputy;~~

~~— (e) An officer of a metropolitan police department or a police department of an incorporated city; or~~

~~— (d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive. (Deleted by amendment.)~~

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080 to 171.084, inclusive, and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, ~~sex trafficking,~~ a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. **Sex trafficking must be found, or an information or complaint filed, within 6 years after the commission of the offense.**

4. Any felony other than the felonies listed in subsections 1, ~~and~~ 2 **and 3** must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. ~~NRS 171.095 is hereby amended to read as follows:~~

~~171.095 1. Except as otherwise provided in subsection 2 and NRS 171.082, 171.083 and 171.084:~~

~~— (a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.~~

~~— (b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child as defined in NRS 432B.100 [or sex trafficking of a child as defined in NRS 201.300,] before the victim is:~~

~~— (1) Thirty six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse [or sex trafficking] by the date on which the victim reaches that age; or~~

~~— (2) Forty three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse [or sex trafficking] by the date on which the victim reaches 36 years of age.~~

~~— (c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.~~

~~2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given~~

~~thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.~~ **(Deleted by amendment.)**

Sec. 5. The amendatory provisions of this act apply to a person who:

1. Committed sex trafficking before July 1, 2021, if the applicable statute of limitations has commenced but has not yet expired on July 1, 2021; or
2. Commits sex trafficking on or after July 1, 2021.

Sec. 6. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 141.

AN ACT relating to offenders; allowing certain offenders ~~convicted of Category B felonies~~ to have credits deducted from the minimum term or minimum aggregate term imposed by a sentence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that under certain circumstances an offender may earn credits to reduce his or her sentence of imprisonment, which must be deducted from the maximum term or the maximum aggregate term imposed by a sentence. For certain offenders, credits must also be deducted from the minimum term or the minimum aggregate term imposed by a sentence. However, credits earned by offenders convicted of certain offenses, such as a category B felony, may not be deducted from the minimum term or the minimum aggregate term imposed by a sentence. (NRS 209.4465)

Section 1 of this bill eliminates the restriction against deducting credits from the minimum term or the minimum aggregate term imposed by a sentence for an offender who has been convicted of a category B felony. ~~It~~, **but provides that an offender who has been convicted of certain offenses remains ineligible to deduct credits from the minimum term or minimum aggregate term imposed by a sentence. Section 1 also revises the applicability of this provision to offenses committed on or after July 1, 2007. Section 2** of this bill makes the changes in **section 1** retroactive for offenders who committed offenses before October 1, 2021, the effective date of this bill. ~~It~~, **unless doing so would violate the ex post facto clause of the United States Constitution or Nevada Constitution.**

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

Section 1. 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 **committed the offense on or after July 1, 2007, and 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 **or an attempt to commit 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; ~~for~~

(d) **A residential burglary pursuant to paragraph (a) of subsection 1 of NRS 205.060 that was committed on or after July 1, 2020;**

(e) A habitual criminal adjudication pursuant to paragraph (a) of subsection 1 of NRS 207.010; or

(f) A category A ~~for B1~~ 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. 1. Except as otherwise provided in subsection 2:

(a) The amendatory provisions of this act apply to offenses committed before, on or after October 1, 2021.

(b) For the purpose of calculating credits earned by a person pursuant to NRS 209.4465, as amended by section 1 of this act, the amendatory provisions of this act must be applied retroactively.

2. The amendatory provisions of this act do not apply to offenses committed before, on or after October 1, 2021, and for the purpose of calculating credits earned by a person pursuant to NRS 209.4465, as amended by section 1 of this act, must not be applied retroactively if applying the amendatory provisions of this act in such a manner would constitute a violation of Section 10 of Article 1 of the United States Constitution or Section 15 of Article 1 of the Nevada Constitution.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

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

Amendment No. 31.

AN ACT relating to insurance; **requiring insurance companies to offer uninsured and underinsured vehicle coverage in policies that cover motorcycles**; requiring insurance companies to offer the option of covering certain medical expenses in policies that cover motorcycles; ~~requiring the amount paid by an insurance company for the coverage of certain medical expenses resulting from the crash of a passenger car or motorcycle to be based on the usual and customary charges for the locality where the medical expenses were incurred;~~ clarifying that certain provisions for the reduction in the premium paid for a motor vehicle insurance policy do not apply to motorcycles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every owner of a motor vehicle which is registered or required to be registered in this State, except an owner of a moped, to continuously provide insurance from a licensed insurance company in certain amounts for the payment of tort liabilities arising from the maintenance or use of the motor vehicle. (NRS 485.185) **Existing law requires such insurance companies to offer uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured person. Under existing law, this option only applies to policies that cover passenger cars. (NRS 687B.145) Section 1 of this bill requires such uninsured and underinsured vehicle coverage to also apply to policies that cover motorcycles.**

Existing law requires such insurance companies to offer to insured persons the option of purchasing coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from a crash. Under existing law, this option only applies to policies that cover passenger cars. (NRS 687B.145) **Section 1** ~~of this bill~~ requires this option to also apply to policies that cover motorcycles. ~~If an insured person purchases this option, section 1 requires the amount paid by the insurance company to cover medical expenses resulting from the crash of a passenger car or motorcycle be based on the usual and customary charges for the locality where the medical expenses were incurred. Section 1 defines "usual and customary charges" to mean the usual and customary charges that a provider charges to the general public for reasonable and necessary medical care before the application of certain discounts.~~

Existing law requires a policy of motor vehicle insurance which includes coverage of medical expenses **or uninsured and underinsured motorists coverage, or both,** to contain a provision for the reduction in the premium paid for such coverage if the motor vehicle is equipped with or contains certain safety devices. (NRS 690B.031) **Section 2** of this bill makes a change in conformance with **section 1** by clarifying that such provisions do not apply to motorcycles.

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

Section 1. NRS 687B.145 is hereby amended to read as follows:

687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to the insured under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.

2. Except as otherwise provided in subsection 5, insurance companies transacting motor vehicle insurance in this State must offer, on a form approved by the Commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car ~~or~~ **or motorcycle.** The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer which the insured is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator. If an insured suffers actual damages subject to the limitation of liability provided pursuant to NRS 41.035, underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer for the actual damages suffered by the insured that exceed that limitation of liability.

3. An insurance company transacting motor vehicle insurance in this State must offer an insured under a policy covering the use of a passenger car ~~or~~ **or motorcycle.**

motorcycle, the option of purchasing coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from a crash. The offer must be made on a form approved by the Commissioner. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. ~~If an insured purchases coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from a crash and the insured seeks the payment of reasonable and necessary medical expenses resulting from a crash, the amount paid by the insurance company must be based on the usual and customary charges for the locality where the medical expenses were incurred.~~

4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 690B.020 with respect to uninsured vehicle coverage. As used in this subsection, “damages” means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist’s policy of casualty insurance.

5. An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.

6. As used in this section:

(a) “Excess policy” means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.

~~(b) “Health care services” has the meaning ascribed to it in NRS 695G.022.~~

~~(c) “Motorcycle” has the meaning ascribed to it in NRS 482.070.~~

~~(d) (c)~~ (c) “Passenger car” has the meaning ascribed to it in NRS 482.087.

~~(e) “Provider of health care” has the meaning ascribed to it in NRS 695G.070.~~

~~(f) (d)~~ (d) “Umbrella policy” means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.

~~(g) “Usual and customary charges” means the usual and customary charges that a provider of health care charges to the general public for reasonable and necessary health care services before the application of any:~~

~~(1) Group insurance discounts; or~~
~~(2) Discount resulting from payment rates or schedules for Medicare, Medicaid or other similar public welfare programs.~~

Sec. 2. NRS 690B.031 is hereby amended to read as follows:

690B.031 1. A policy of insurance providing coverage arising out of the ownership, maintenance or use of a motor vehicle , *other than a motorcycle*, which is delivered or issued for delivery in this State and includes coverage for the payment of reasonable and necessary medical expenses or uninsured and underinsured motorists coverage, or both, must contain a provision for the reduction in the premium for such coverage if the motor vehicle:

(a) Is equipped with an air bag on the driver's side of the front seat or air bags on the driver's side and passenger's side of the front seat; and

(b) Contains any other safety device, other than safety belts, which substantially enhances the safety of the occupants of the motor vehicle.

2. The reduction in premiums required by subsection 1 must be based upon the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. The insurer may offer additional reductions in premiums pursuant to the requirements set forth in subsection 1 if they are approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. The Commissioner shall review and approve or disapprove each policy of insurance that offers a reduction in the premiums provided for in this section. An insurer must receive the written approval of the Commissioner before delivering or issuing for delivery a policy that provides for such a reduction.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 131.

Bill read second time and ordered to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 253.

ASSEMBLYWOMEN KRASNER; BILBRAY-AXELROD, HARDY, KASAMA
~~AND~~ MARTINEZ AND THOMAS

JOINT SPONSORS: SENATORS SPEARMAN AND SETTELMEYER

SUMMARY—Establishes provisions concerning victims of human trafficking. (BDR ~~18-856~~) 16-856

AN ACT relating to human trafficking; requiring the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to ~~develop a statewide plan for the delivery of services;~~ **perform certain duties relating** to victims of human trafficking; ~~and to form a statewide task force to assist the Department;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits involuntary servitude, assuming ownership over a person, the purchase or sale of a person, trafficking in persons, pandering, sex trafficking and living from the earnings of a prostitute. (NRS 200.463-200.465, 200.467, 200.468, 201.300, 201.320) ~~[This]~~ **Section 1 of this** bill defines victims of those crimes as "victims of human trafficking" and requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to: (1) designate a human trafficking specialist within the program for compensation for victims of crime; (2) ensure that a directory of services for victims of human trafficking is publicly accessible on the Internet; (3) develop a statewide plan for the delivery of services to victims of human trafficking; and ~~[(2)]~~ (4) form a statewide ~~[task force]~~ coalition to assist the ~~[Department]~~ designated human trafficking specialist in carrying out ~~[its]~~ his or her duties ~~[under this bill. This bill]~~ **and in maximizing resources for local human trafficking task forces.** **Section 1** also requires the ~~[Director]~~ Administrator ~~[of the Department]~~ to periodically review the statewide plan and its implementation for compliance with the established requirements.

Section 3 of this bill makes a conforming change to indicate the placement of section 1 within the Nevada Revised Statutes.

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

Section 1. Chapter ~~232~~ **217** of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division of Child and Family Services of the Department shall ~~be~~ :

(a) Designate a human trafficking specialist who works for the program for compensation for victims of crime established pursuant to NRS 217.020 to 217.270, inclusive;

(b) Ensure that a directory of services for victims of human trafficking is publicly accessible on the Internet; and

(c) In cooperation with the Attorney General and any other state agency, federal agency, public or private entity or other stakeholder the ~~[Department]~~ Administrator deems appropriate;

~~[(a)]~~ **(1) Develop a statewide plan for the delivery of services to victims of human trafficking; and**

~~[(b)]~~ (2) Form a statewide ~~task force~~ coalition consisting of interested parties and stakeholders to assist the ~~Department~~ human trafficking specialist designated pursuant to paragraph (a) in ~~carrying~~ :

(I) Carrying out ~~his~~ his or her duties pursuant to this section ~~for~~ ;
and

(II) Maximizing resources for local human trafficking task forces.

2. The plan developed pursuant to subparagraph (1) of paragraph ~~(a)~~ (c) of subsection 1 ~~must~~ may provide for:

(a) The identification of victims of human trafficking;
(b) Assistance to victims of human trafficking with applying for governmental benefits and services to which they may be entitled;
(c) ~~[(The coordination of providing)]~~ Resources for victims of human trafficking, including, without limitation, medical, psychological, housing, education, job training, child care, victims' compensation, legal and other services ; ~~to victims of human trafficking.~~

(d) Developing strategies to increase awareness about human trafficking and the services available to victims of human trafficking among state and local agencies that provide social services, public and private agencies that may provide services to victims of human trafficking and the public;

(e) The establishment and maintenance of community-based services for victims of human trafficking; and

(f) Assistance to victims of human trafficking with family reunification or to return to their place of origin, if the victim so desires.

3. The ~~Director~~ Administrator shall periodically review the statewide plan developed pursuant to subparagraph (1) of paragraph ~~(a)~~ (c) of subsection 1 and its implementation to determine whether the plan and its implementation comply with the provisions of this section.

4. As used in this section, “victim of human trafficking” means a person against whom a violation of any provision of NRS 200.463 to 200.465, inclusive, 200.467, 200.468, 201.300 or 201.320, or 18 U.S.C. §§ 1589, 1590 or 1591 has been committed.

Sec. 2. ~~NRS 232.290 is hereby amended to read as follows:~~

~~232.290 As used in NRS 232.290 to 232.4983, inclusive, and section 1 of this act, unless the context requires otherwise:~~

~~1. “Department” means the Department of Health and Human Services.~~

~~2. “Director” means the Director of the Department. (Deleted by amendment.)~~

Sec. 3. NRS 217.020 is hereby amended to read as follows:

217.020 As used in NRS 217.010 to 217.270, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 217.025 to 217.070, inclusive, have the meanings ascribed to them in those sections.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 193.

AN ACT relating to offenders; **requiring a court to provide credit for time spent in confinement before conviction to reduce a sentence of imprisonment;** authorizing a court to provide credit for time spent in residential confinement before conviction to reduce a sentence of imprisonment; **establishing limitations on credit for time spent in residential confinement before conviction for defendants who have been found guilty of a misdemeanor;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court that imposes a sentence of imprisonment in a county jail or state prison to allow credit for time spent in confinement before conviction to reduce the sentence. (NRS 176.055) In interpreting this provision of existing law, the Nevada Supreme Court has held that residential confinement (also known as "house arrest") served as a condition of bail does not constitute time spent in confinement for which a court may award credit to reduce a sentence of imprisonment. (*State v. Dist. Ct. (Jackson)*, 121 Nev. 413, 416 (2005)) This bill : **(1) requires a court to allow credit for time spent in confinement before conviction to reduce a sentence of imprisonment; (2) authorizes a court to allow credit for time spent in residential confinement, in a person's place of residence under the terms and conditions imposed by the court, before conviction to reduce a sentence of imprisonment; ~~and~~ ; and (3) limits the amount of credit for time spent in residential confinement that a court may allow a defendant who has been found guilty of a misdemeanor to the lesser of 25 percent of the amount of time which the defendant spent in residential confinement before conviction or 60 days.**

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

Section 1. NRS 176.055 is hereby amended to read as follows:

176.055 1. Except as otherwise provided in subsection ~~12, 37~~ **4**, whenever a sentence of imprisonment in the county jail or state prison is imposed, the court ~~may~~ :

(a) Shall order that credit be allowed against the duration of the sentence, including any minimum term or minimum aggregate term, as applicable, thereof prescribed by law ~~for~~ **for**

~~(a) For~~ the amount of time which the defendant has actually spent in confinement before conviction ~~11~~ ; ~~for~~ **and**

(b) ~~For~~ Except as otherwise provided in subsection 2, may order that credit be allowed against the duration of the sentence, including any minimum term or minimum aggregate term, as applicable, thereof prescribed by law, for the amount of time which the defendant spent in residential confinement before conviction,

↪ unless the defendant's confinement *or residential confinement* was pursuant to a judgment of conviction for another offense.

2. Whenever a sentence of imprisonment in the county jail is imposed upon a defendant who has been found guilty of a misdemeanor, the court may order that credit be allowed against the duration of the sentence for the lesser of 25 percent of the amount of time which the defendant spent in residential confinement before conviction or 60 days, unless the defendant's residential confinement was pursuant to a judgment of conviction for another offense.

3. Credit allowed pursuant to ~~this~~ subsection *1 or 2* does not alter the date from which the term of imprisonment is computed.

~~2. 3. 4.~~ A defendant who is convicted of a subsequent offense which was committed while the defendant was:

(a) In custody on a prior charge is not eligible for any credit on the sentence for the subsequent offense for time the defendant has spent in confinement on the prior charge, unless the charge was dismissed or the defendant was acquitted.

(b) Imprisoned in a county jail or state prison or on probation or parole from a Nevada conviction is not eligible for any credit on the sentence for the subsequent offense for the time the defendant has spent in confinement which is within the period of the prior sentence, regardless of whether any probation or parole has been formally revoked.

~~4. 5.~~ *As used in this section, "residential confinement" means the confinement of a person to the person's place of residence under the terms and conditions imposed by the court.*

Sec. 2. The amendatory provisions of section 1 of this act apply to:

1. An offense committed on or after October 1, 2021; and
2. An offense committed before October 1, 2021, if the person is convicted on or after October 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 177.

Bill read second time.

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

Amendment No. 101.

AN ACT relating to pharmacy; requiring certain pharmacies to provide information regarding a prescription in a language other than English under certain circumstances; requiring such pharmacies to post notice of the rights of a patient to request information in language other than English; ~~providing immunity from civil liability to a pharmacy or employee for injuries resulting from the translation of such information by a third party under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to regulate the practice of pharmacy and the sale and dispensing of poisons, drugs, chemicals and medicines. (NRS 639.070) Existing law prescribes requirements for labeling containers for prescription drugs. (NRS 639.2801) This bill requires each pharmacy, except for an institutional pharmacy, to provide the information required to be included on the label of a prescription drug ~~and any other information prescribed by regulations adopted by the Board~~ in English and, upon request of a prescribing practitioner, patient or an authorized representative of a patient, any language prescribed by regulations adopted by the Board. This bill ~~provides that if a pharmacy enters into a contract with a third party for the translation of the information required to be provided by the pharmacy, the pharmacy and any employee of the pharmacy is not liable in any civil action for any injury resulting from the translation by the third party which is not the result of negligence, recklessness or deliberate misconduct of the pharmacy or employee. Finally, this bill~~ requires a pharmacy subject to this requirement to post in a conspicuous place: (1) notice of the rights of a patient to request information in a language other than English; and (2) a list of every language in which such information may be made available.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each pharmacy, except for an institutional pharmacy, shall, upon the request of a prescribing practitioner, a patient or an authorized representative of a patient, provide the information required by NRS 639.2801 ~~and any other information prescribed by regulations adopted by the Board pursuant to subsection 3~~ in English and any language in which the information is required to be provided pursuant to subsection 3.

2. Each pharmacy subject to the requirements of subsection 1 shall post in a conspicuous place:

(a) Notice of the rights of a patient to request information in a language other than English pursuant to subsection 1; and

(b) A list of every language in which such information is available.

3. The Board shall adopt regulations prescribing ~~for~~

~~*(a) Every language in which a pharmacy is required to provide information required by paragraph (b) of NRS 639.2801; and*~~

~~(b) Any information, in addition to the information prescribed by NRS 639.2801, that a pharmacy subject to the requirements of subsection 1 is required to provide in a language prescribed by paragraph (a). The languages in which a pharmacy is required to provide such information must be specified by the regulations adopted by the Board pursuant to this section based on demographic trends and projections.~~

4. The Board may adopt such other regulations as are necessary to carry out the provisions of this section.

~~5. If a pharmacy enters into a contract with a third party for the translation of the information that the pharmacy is required to provide pursuant to this section, the pharmacy and any employee of the pharmacy are not liable in any civil action for any injury resulting from the translation by the third party which is not the result of negligence, recklessness or deliberate misconduct of the pharmacy or employee.~~

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) 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

(b) On ~~October 1, 2021,~~ **January 1, 2022**, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 254.

AN ACT relating to peace officers; prohibiting a law enforcement agency from requiring a peace officer to issue a certain number of traffic citations or make a certain number of arrests; prohibiting a law enforcement agency from considering the number of citations issued or arrests made by a peace officer, or the amount of fines or fees assessed from the citations or arrests, in evaluating the performance of the peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain rights to peace officers which are commonly known as the "Peace Officer Bill of Rights." (NRS 289.020-289.120) This bill creates additional rights for peace officers. This bill prohibits a law enforcement agency from requiring a peace officer: (1) to issue a certain number of traffic citations; or (2) to make a certain number of arrests. Additionally, this bill prohibits a law enforcement agency from considering the number of citations or arrests, or the amount of fines or fees assessed from

the citations or arrests made by a peace officer, in evaluating the performance of the peace officer.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A law enforcement agency shall not order, mandate ~~it~~ or require ~~for~~ suggest to a peace officer that a peace officer must to issue a certain number of traffic citations or make a certain number of arrests over any period.*

2. *A law enforcement agency shall not consider the number of citations issued or arrests made by a peace officer, or the amount of fines or fees assessed from the issuance of citations or arrests made by a peace officer, in any performance review, evaluation, rating, assessment, promotion, salary or assignment of a peace officer.*

Sec. 2. NRS 289.085 is hereby amended to read as follows:

289.085 If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of NRS 289.010 to 289.120, inclusive, **and section 1 of this act**, and that such evidence may be prejudicial to the peace officer, such evidence is inadmissible and the arbitrator or court shall exclude such evidence during any administrative proceeding commenced or civil action filed against the peace officer. If the arbitrator or court further determines that such evidence was obtained by a law enforcement agency in bad faith, the arbitrator or court must dismiss the administrative proceeding or civil action with prejudice.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time.

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

Amendment No. 102.

AN ACT relating to employment; requiring **, with certain exceptions,** private employers that provide employees with sick leave to allow an employee to use such leave to assist a member of the employee's immediate family with certain medical needs; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a private employer to pay an employee certain minimum compensation and to provide certain benefits, including overtime compensation and meal and rest breaks, with certain exceptions. (NRS 608.018, 608.019, 608.250) **Section 1** of this bill requires a private employer that provides employees with sick leave to allow an employee to use accrued sick leave for an absence due to an illness, injury, medical appointment or other authorized medical need of a member of the employee's immediate family. Additionally, **section 1** authorizes such an employer to limit the amount of sick leave an employee may use for such purposes. **Section 1** also requires the Labor Commissioner to prepare and post a bulletin setting forth an explanation of the provisions of this bill and to require each private employer that provides employees with sick leave to post the bulletin in the workplace. **Finally, if an employee is covered under a valid collective bargaining agreement, section 1 exempts the employer from the provisions of section 1.**

Section 2 of this bill requires the Labor Commissioner to enforce the provisions of **section 1**, and **section 3** of this bill makes a violation of the provisions of **section 1** a misdemeanor and authorizes the Labor Commissioner to impose, in addition to any other remedy or penalty, a penalty of up to \$5,000 for each violation.

WHEREAS, More than 40 million Americans provide unpaid care to someone who is over the age of 18 years and ill or disabled and approximately 4 out of 10 caregivers consider their caregiving situation to be highly stressful and report difficulties with managing emotional and physical stress, balancing work and family responsibilities and finding time for themselves; and

WHEREAS, 348,000 Nevada family caregivers provided more than 324,000,000 hours of unpaid care in 2013, estimated at a value of \$4.27 billion; and

WHEREAS, According to a 2015 survey of registered voters in Nevada, 58 percent of family caregivers in Nevada have been employed full-time or part-time while providing care; and

WHEREAS, After surveying numerous studies, the United States Equal Employment Opportunity Commission determined that flexible workplace policies enhance employee productivity, reduce absenteeism, lower costs, aid in retention and recruitment of the best talent and may positively affect profits; now, therefore,

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:

1. Except as otherwise provided in this section, if an employer provides paid or unpaid sick leave for the use of his or her employees, the employer must allow an employee to use any accrued sick leave to assist a member of

the immediate family of the employee who has an illness, injury, medical appointment or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking such leave.

2. An employer may limit the amount of sick leave that an employee may use pursuant to subsection 1 to an amount which is equal to not less than the amount of sick leave that the employee accrues during a 6-month period.

3. The Labor Commissioner shall prepare a bulletin which clearly sets forth an explanation of the provisions of this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of the Labor Commissioner and shall require each employer that provides sick leave to employees to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

4. The provisions of this section shall not be construed to:

(a) Limit or abridge any other rights, remedies or procedures available under the law;

(b) Negate any other rights, remedies or procedures available to an aggrieved party;

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous sick leave benefit or paid time off benefit; or

(d) Extend the maximum amount of leave to which an employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. An employer shall not deny an employee the right to use accrued sick leave in accordance with the provisions of this section or retaliate against an employee for attempting to prosecute a violation of this section or for exercising any rights afforded by this section.

6. The provisions of this section do not apply ~~to~~ :

(a) To the extent prohibited by federal law ~~that~~ ; or

(b) With regard to an employee of the employer if the employee is covered under a valid collective bargaining agreement.

7. As used in this section, “immediate family” means:

(a) The child, foster child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent of an employee; or

(b) Any person for whom the employee is the legal guardian.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, **and section 1 of this act** and NRS 608.215 to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,
↪ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, **and section 1 of this act** or **NRS** 608.215, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 89.

AN ACT relating to interpreters; revising and expanding the membership of the committee to advise the Court Administrator regarding adoption of regulations relating to the certification or registration of court interpreters for certain persons; requiring the committee to submit an annual report to the Chief Justice of the Nevada Supreme Court **and the Legislature** and make the report available to the public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief Justice of the Nevada Supreme Court to appoint a committee to advise the Court Administrator regarding adoption of regulations relating to the certification or registration of court interpreters for persons with limited English proficiency who are witnesses, defendants and litigants. Under existing law, seven members of the committee are appointed by the Court Administrator from a list of recommendations submitted to the Chief Justice and the Court Administrator serves as ex officio chair of the committee. (NRS 1.510, 1.520, 1.530) This bill revises the qualifications of one member of the committee to allow the appointment of a person certified to act as an interpreter for a court of this State instead of only for a federal court. This bill also expands the membership of the committee to add: (1) a person certified to act as an interpreter for a court of this State in the Spanish language; and (2) a person certified or registered to act as an interpreter for a court of this State in a language other than Spanish. Finally, this bill requires the committee to submit to the Chief Justice **and to the Legislature** and make publicly available an annual report that contains, without limitation: (1) a summary of the activities of the committee during the immediately preceding fiscal year ~~1994~~, **including any development of recommendations for**

revisions to the Nevada State Court Language Access Plan adopted by the Nevada Certified Court Interpreter Program; and (2) certain statistical information concerning court interpreters.

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

Section 1. NRS 1.530 is hereby amended to read as follows:

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted to the Chief Justice by the Court Administrator, a committee to advise the Court Administrator regarding adoption of regulations pursuant to NRS 1.510 and 1.520. The committee must consist of:

- (a) A district judge;
- (b) A justice of the peace or municipal judge in a county whose population is less than 100,000;
- (c) An administrator of a district court;
- (d) An administrator of a justice court or municipal court in a county whose population is less than 100,000;
- (e) A representative of the Nevada System of Higher Education;
- (f) A representative of a nonprofit organization for persons who speak a language other than English; ~~and~~
- (g) A person certified to act as an interpreter for a *court of this State or a federal court* ~~††~~;
- (h) *A person certified to act as an interpreter for a court of this State in the Spanish language; and*
- (i) *A person certified or registered to act as an interpreter for a court of this State in a language other than Spanish.*

2. The Court Administrator is ex officio chair of the committee.

3. Members of the committee shall serve in that capacity without any additional compensation.

4. *The committee shall submit an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and make the annual report available to the public. The annual report must contain, without limitation:*

(a) A summary of the activities of the committee during the immediately preceding fiscal year ~~††~~, including any development of recommendations for revisions to the Nevada State Court Language Access Plan adopted by the Nevada Certified Court Interpreter Program as established pursuant to NRS 1.510; and

(b) Statistical information concerning the usage of court interpreters, including, without limitation, information on the usage of certified and registered court interpreters and the ~~need~~ demand for court interpreters for persons with limited English proficiency in courts of this State.

Sec. 2. 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.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 143.

ASSEMBLYMEN C.H. MILLER, TORRES, NGUYEN, FLORES, CONSIDINE; ANDERSON, BILBRAY-AXELROD, COHEN, DURAN, GONZÁLEZ, HANSEN, HARDY, KASAMA, KRASNER, MARTINEZ, MARZOLA, MONROE-MORENO, O'NEILL, ORENTLICHER, SUMMERS-ARMSTRONG, THOMAS, ~~AND~~ WATTS, WHEELER AND YEAGER

JOINT SPONSORS: SENATORS OHRENSCHALL, NEAL ~~+~~, SPEARMAN; DENIS, DONATE AND D. HARRIS

AN ACT relating to juvenile justice; eliminating the exclusion of certain offenses from the jurisdiction of the juvenile court; revising provisions relating to the certification of a child for criminal proceedings as an adult; requiring the Legislative Committee on Child Welfare and Juvenile Justice to conduct an interim study concerning the need for and cost of infrastructure for housing certain youthful offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390) Certain offenses with age-related conditions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court such as: (1) murder and attempted murder; (2) sexual assault and attempted sexual assault involving the use or threatened use of force or violence against the victim; (3) an offense or attempted offense involving the use or threatened use of a firearm; (4) certain felonies resulting in death or substantial bodily harm on the property of a school, at an activity sponsored by a school or on a school bus; (5) other category A and B felonies; and (6) any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense. (NRS 62B.330) **Section 2** of this bill eliminates ~~these~~ the exclusions of: (1) sexual assault and attempted sexual assault involving the use or threatened use of force or violence; and (2) an offense or attempted offense involving the use or threatened use of a firearm from the jurisdiction of the juvenile court, thereby retaining such offenses under the jurisdiction of the juvenile court. ~~Sections 1, 3 and 5-7 of this bill make~~

~~conforming changes by removing references to the exclusions in NRS 62B.330.]~~

Under existing law, the juvenile court is required to certify a child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation if the child: (1) is charged with a sexual assault involving the use or threatened use of force or violence against the victim or an offense or attempted offense involving the use or threatened use of a firearm; and (2) was 16 years of age or older at the time the child allegedly committed the offense. (NRS 62B.390) **Section 4** of this bill eliminates the mandatory certification of a child as an adult for these offenses and provides instead for the discretionary certification of a child for criminal proceedings as an adult for all offenses over which the juvenile court has exclusive jurisdiction.

Section 7.5 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study during the 2021-2022 interim concerning the need for and cost of infrastructure for housing certain youthful offenders.

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

Section 1. ~~NRS 62A.030 is hereby amended to read as follows:~~

~~62A.030 1. “Child” means:~~
~~(a) A person who is less than 18 years of age;~~
~~(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or~~
~~(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of NRS 62F.205 to 62F.360, inclusive.~~
~~2. The term does not include:~~
~~(a) [A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;~~
~~(b)] A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or~~
~~[(c)] (b) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.] (Deleted by amendment.)~~

Sec. 2. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance other than those specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320 or an offense related to tobacco;

- (b) Violates any rule or regulation having the force of law; or
- (c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the
related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.

~~(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:~~

~~— (1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and~~

~~— (2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:~~

~~— (1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and~~

~~— (2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:~~

~~(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and~~

~~(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.~~

~~(e)~~ (c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

~~[(f)]~~ (d) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 3. ~~NRS 62B.370 is hereby amended to read as follows:~~

~~62B.370 1. Except as otherwise provided in this title, a court shall transfer a case and record to the juvenile court if, during the pendency of a proceeding involving a criminal offense, it is ascertained that the person who is charged with the offense was less than 18 years of age when the person allegedly committed the offense.~~

~~2. A court shall not transfer a case and record to the juvenile court if the proceeding involves a criminal offense:~~

~~(a) Excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330; or~~

~~(b) Transferred~~ ~~transferred~~ ~~to the court pursuant to NRS 62B.335.~~

~~3. A court making a transfer pursuant to this section shall:~~

~~(a) Order the child to be taken immediately to the place of detention designated by the juvenile court;~~

~~(b) Order the child to be taken immediately to appear before the juvenile court; or~~

~~(c) Release the child to the custody of a suitable person and order the child to be brought before the juvenile court at a time designated by the juvenile court.~~ **(Deleted by amendment.)**

Sec. 4. NRS 62B.390 is hereby amended to read as follows:

62B.390 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 62B.400, upon a motion by the district attorney and after a full investigation, the juvenile court may certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:

(a) Except as otherwise provided in paragraph (b), is charged with an offense that would have been a felony if committed by an adult and was 14 years of age or older at the time the child allegedly committed the offense; or

(b) Is charged with murder or attempted murder and was 13 years of age or older when the murder or attempted murder was committed.

2. ~~Except as otherwise provided in subsection 3, upon a motion by the district attorney and after a full investigation, the juvenile court shall certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:~~

~~(a) Is charged with:~~

~~(1) A sexual assault involving the use or threatened use of force or violence against the victim; or~~

~~—(2) An offense or attempted offense involving the use or threatened use of a firearm; and~~

~~—(b) Was 16 years of age or older at the time the child allegedly committed the offense.~~

~~—3. The juvenile court shall not certify a child for criminal proceedings as an adult pursuant to subsection 2 if the juvenile court specifically finds by clear and convincing evidence that:~~

~~—(a) The child is developmentally or mentally incompetent to understand the situation and the proceedings of the court or to aid the child's attorney in those proceedings; or~~

~~—(b) The child has a substance use disorder or emotional or behavioral problems and the substance use disorder or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court.~~

~~—4. If a child is certified for criminal proceedings as an adult pursuant to subsection 1, {or 2} the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.~~

~~{5.}~~ 3. If a child has been certified for criminal proceedings as an adult pursuant to subsection 1 ~~{or 2}~~ and the child's case has been transferred out of the juvenile court:

(a) The court to which the case has been transferred has original jurisdiction over the child;

(b) The child may petition for transfer of the case back to the juvenile court only upon a showing of exceptional circumstances; and

(c) If the child's case is transferred back to the juvenile court, the juvenile court shall determine whether the exceptional circumstances warrant accepting jurisdiction.

Sec. 5. ~~{NRS 62B.420 is hereby amended to read as follows:~~

~~—62B.420—1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine or restitution or to make any other payment and the fine, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS {62B.330 or} 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.~~

~~—2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains~~

jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

~~3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. A judgment which requires a parent or guardian of a child to pay restitution does not expire until the judgment is satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time.~~

~~4. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:~~

~~(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.~~

~~(b) Request that the juvenile court take appropriate action pursuant to subsection 5.~~

~~(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment.~~

~~5. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:~~

~~(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.~~

~~(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At~~

~~the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.~~

~~— (e) If the civil judgment was issued for a delinquent fine, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.~~

~~— (d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this paragraph. (Deleted by amendment.)~~

Sec. 6. [NRS 62C.030 is hereby amended to read as follows:]

~~62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:~~

~~— (a) A facility for the secure detention of children; or~~

~~— (b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.~~

~~2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:~~

~~— (a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;~~

~~— (b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;~~

~~— (c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or~~

~~— (d) The child is a fugitive from another jurisdiction.~~

~~3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:~~

~~— (a) The child is alleged to be delinquent;~~

~~— (b) An alternative facility is not available; and~~

~~— (c) The child is separated by sight and sound from any adults who are confined or detained in the facility.~~

~~4. During the pendency of a proceeding involving [:~~

~~— (a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330; or~~

~~— (b) A] a child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390.;~~

~~— a] the child may petition the juvenile court for temporary placement in a facility for the detention of children. (Deleted by amendment.)~~

Sec. 7. ~~NRS 62D.415 is hereby amended to read as follows:~~

~~62D.415 1. An instrument of restraint may be used on a child during a court proceeding only if the restraint is necessary to prevent the child from:~~

- ~~(a) Inflicting physical harm on himself or herself or another person; or~~
- ~~(b) Escaping from the courtroom.~~

~~2. Whenever practical, the judge shall provide the:~~

~~(a) Child and his or her attorney an opportunity to be heard regarding the use of an instrument of restraint before the judge orders the use of an instrument of restraint.~~

~~(b) Prosecuting attorney an opportunity to be heard regarding whether the use of an instrument of restraint is necessary pursuant to subsection 1.~~

~~3. In making a determination pursuant to subsection 2 as to whether an instrument of restraint is necessary pursuant to subsection 1, the court shall consider the following factors:~~

- ~~(a) Any previous escapes or attempted escapes by the child.~~
- ~~(b) Evidence of a present plan of escape by the child.~~
- ~~(c) A credible threat by the child to harm himself or herself or another person.~~

~~(d) A history of self destructive tendencies by the child.~~

~~(e) Any credible threat of an attempt to escape by a person not in custody.~~

~~(f) Whether the child is subject to a proceeding ~~1:~~~~

~~(1) That is not in the jurisdiction of the juvenile court pursuant to subsection 3 of NRS 62B.330; or~~

~~(2) For ~~for~~ transfer or certification for criminal proceedings as an adult pursuant to NRS 62B.335, 62B.390 or 62B.400.~~

~~(g) Any other factor that is relevant in determining whether the use of an instrument of restraint on the child is necessary pursuant to subsection 1.~~

~~4. The determination of the judge pursuant to subsection 2 must contain specific findings of fact and conclusions of law supporting the determination.~~

~~5. If an instrument of restraint is used on a child, the restraint must allow the child limited movement of his or her hands to hold any document or writing necessary to participate in the proceeding.~~

~~6. As used in this section, "instrument of restraint" includes, without limitation, handcuffs, chains, irons and straightjackets. ~~1.~~ (Deleted by amendment.)~~

Sec. 7.5. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall conduct a study during the 2021-2022 interim concerning the need for and cost of infrastructure associated with housing juveniles awaiting certification for criminal proceedings as an adult in this State. The study must include, without limitation, a review of:

(a) The current placement of juveniles awaiting certification for criminal proceedings as an adult;

(b) The current placement of juveniles excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;

(c) The cost associated with the current placement of juveniles awaiting certification for criminal proceedings as an adult;

(d) The costs associated with housing all current juveniles excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;

(e) The costs associated with placing all juveniles subject to potential transfer to the criminal justice system in a facility for juveniles; and

(f) The facilities, services and programs available for juveniles subject to transfer to the criminal justice system.

2. Not later than October 1, 2022, the Committee shall prepare a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau.

Sec. 8. The amendatory provisions of this act apply to an offense committed on or after October 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 91.

AN ACT relating to real property; ~~prohibiting a unit owners' association for a common interest community from charging or collecting any fee, fine, assessment or cost other than those that the association is expressly authorized or required by statute to charge or collect;~~ **establishing a process for the Commission for Common-Interest Communities and Condominium Hotels to investigate complaints alleging violations of provisions governing certain fees which may be imposed or charged by a unit-owners' association for a common-interest community;** revising provisions pertaining to the applicability of certain provisions of law governing the creation, alteration and termination of common-interest communities; **prohibiting a unit-owners' association from imposing or charging certain fees other than or in excess of those that the association is expressly authorized or required by statute to impose or charge;** increasing the cost of a demand or intent to lien letter; revising provisions relating to the exemption from providing certain information in the case of certain dispositions of a unit in a common-interest community; requiring certain notice to be provided for a foreclosure sale; revising provisions relating to the sale of real property consisting of several lots or parcels; revising provisions regarding the ascertainment of title of real property to be partitioned; making certain technical changes and removing certain obsolete provisions; revising provisions concerning instruments that subordinate or waive priority of a mortgage or deed of trust of, lien upon or interest in real property; revising

provisions relating to certain liens on real property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a unit-owners' association for a common-interest community to charge certain fees, ~~1, fines, assessments and costs, including, without limitation, fees for performing certain services, charges for late payment of assessments, fines for violations of the governing documents of the association, inspection fees and fees to cover the cost of collecting past due obligations.~~ **for opening or closing a file relating to a unit and preparing a certificate containing certain information which is required to be provided by a unit's owner or his or her authorized agent to a purchaser in a resale package.** (NRS 116.3102, ~~116.310312, 116.310313~~) **116.4109** **Section 5.5 of this bill: (1) provides for an inflationary adjustment of the maximum amount of the fee that may be imposed for opening or closing a file relating to a unit; and (2) prohibits the imposition of a fee for those services other than or in excess of the enumerated fees. Section 7.2 of this bill: (1) establishes a statutory maximum fee which may be charged for a certificate containing certain information which is required in a resale package; and (2) prohibits the imposition of a fee for providing such a certificate or related services other than or in excess of the enumerated fees. Section ~~11~~ 1.5 of this bill ~~prohibits a unit owners' association from charging or collecting any fee, fine, assessment or cost other than those that the association is expressly authorized or required by statute to charge or collect. Section 3~~ establishes a process for the Commission for Common-Interest Communities and Condominium Hotels to investigate complaints alleging violations of the fee provisions and imposes administrative fines for such violations. Sections 7.4-7.8 of this bill ~~makes a~~ make conforming ~~change~~ changes to indicate the placement of section ~~11~~ 1.5 within the Nevada Revised Statutes.**

Existing law provides that chapter 116 of NRS, which pertains to common-interest ownership, generally applies to all common-interest communities created within this State, however the provisions of chapter 116 of NRS do not require a common-interest community created before January 1, 1992, to comply with certain provisions governing the creation, alteration and termination of common-interest communities. (NRS 116.1201) Existing law also provides that the provisions of chapter 116 of NRS do not apply to nonresidential condominiums or nonresidential planned communities except in certain circumstances, including when the declaration of such a condominium or planned community provides that only certain provisions governing the creation, alteration and termination of common-interest communities and certain other provisions apply to the condominium or planned community. (NRS 116.12075, 116.12077) **Sections 2, 4 and 5** of this bill revise such provisions to include a reference to all provisions governing the creation, alteration and termination of common-interest communities.

Existing law authorizes a unit's owner, his or her authorized agent or the holder of a security interest on the unit to request a statement of demand from an association, which the association is required to provide not later than 10 days after receipt of the request. Existing law authorizes an association to charge a fee of not more than \$165 to prepare and provide such a statement. (NRS 116.4109) Existing law also provides that, with regard to enforcing an association's lien against a unit, the cost for a demand or intent to lien letter must not exceed \$150. (NRS 116.3116) **Section 6** of this bill increases such an amount to \$165 to conform with the amount an association is authorized to charge to prepare and provide a statement of demand.

Existing law generally requires a unit's owner whose unit is being sold, or his or her authorized agent, to provide to a purchaser a resale package containing certain information. Existing law requires an association, upon request by a unit's owner or his or her authorized agent, to provide to the unit's owner or his or her authorized agent certain documents for inclusion in a resale package, including a certificate that contains information necessary to enable the unit's owner to provide information required to be included in the resale package. (NRS 116.4109) Existing law provides that a public offering statement and such a certificate do not need to be prepared or delivered in the case of certain dispositions of a unit. (NRS 116.4101) **Section 7** of this bill instead provides that a public offering statement and the entire resale package do not need to be prepared or delivered in the case of such dispositions of a unit.

Existing law establishes certain specific requirements for providing notice of a sale of property on execution and additional requirements for a sale of property that is a residential foreclosure, which is the sale by foreclosure of a single family residence comprised of not more than four units. (NRS 21.130) **Section 8** of this bill additionally requires that in the case of a foreclosure sale, which is the sale by foreclosure of any real property, notice must be given to: (1) each person who has recorded a request for a copy of a notice of default or notice of sale with respect to the mortgage or other lien being foreclosed; (2) each other person with an interest in the real property whose interest or claimed interest is subordinate to the mortgage or other lien being foreclosed; and (3) an association that has recorded a request for a copy of a deed upon a foreclosure sale.

Existing law establishes certain requirements for the sale of real property that consists of several known lots or parcels. (NRS 21.150) **Section 9** of this bill provides that such requirements do not apply to the foreclosure of a mortgage or other lien upon real estate.

Existing law establishes provisions relating to an abstract of title concerning real property to be partitioned, which must be verified by the affidavit of the person making the abstract of title. (NRS 39.180, 39.190) **Section 10** of this bill instead requires a court, to the extent necessary to grant appropriate relief, to ascertain the state of the title to the property to be partitioned pursuant to the report of a title company in which the title company certifies that it has

issued a guarantee for the benefit of the plaintiff or defendant and that lists the names of each owner of record of the property and each holder of record of certain security interests in the property. **Section 11** of this bill authorizes any such guarantee issued by a title company that is incorrect to be corrected under the direction of the court.

Existing law generally provides that there can only be one action for the recovery of any debt or the enforcement of any right secured by a mortgage or other lien upon real estate, but specifies that such an action does not include any act or proceeding for the exercise of any right or remedy authorized by the Uniform Commercial Code. (NRS 40.430) **Section 12** of this bill makes a technical change to include a reference to additional articles of the Uniform Commercial Code as codified in the Nevada Revised Statutes.

Sections 13 and 14 of this bill remove obsolete provisions regarding certain mortgages of personal property or crops from the provisions of law relating to the recording of assignments of mortgages and the subordination or waiver of priority of mortgages and other interests in real property. **Section 14** also provides that an instrument that subordinates or waives priority of a mortgage or deed of trust of, lien upon or interest in real property is not enforceable in connection with a foreclosure or a trustee's sale until it is recorded.

Existing law authorizes a deed of trust to adopt by reference certain covenants, agreements, obligations, rights and remedies. (NRS 107.030) **Section 15** of this bill makes a technical change to provide uniformity in the language used in the covenants.

Existing law requires every owner of property who records a notice of waiver of owners' rights with the county recorder of the county in which the property is located before the commencement of construction of a work of improvement on the property to serve such notice on any prime contractor of the work of improvement and all other lien claimants who give the owner a notice of right to lien within 10 days after: (1) the owner's receipt of a notice to lien; or (2) the date on which the notice of waiver is recorded with the county recorder. (NRS 108.2405) **Section 16** of this bill provides that the 10-day time limitation applies to whichever of the two events occurs later.

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

Section 1. ~~{Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*An association shall not charge or collect any fee, fine, assessment or cost other than those that the association is expressly authorized or required by statute to charge or collect, including, without limitation, any fee, fine, assessment or cost that a statute authorizes or requires to be established by regulation.*~~ (Deleted by amendment.)

Sec. 1.5. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 116.745 to 116.795, inclusive, a person who is aggrieved by an alleged violation of subsection 6 of NRS 116.3102 or subsection 8 of NRS 116.4109 may file with the Commission a written complaint that sets forth the facts constituting the alleged violation. The complaint may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.

2. The Commission shall:

(a) Review a complaint filed pursuant to subsection 1 in a timely manner.

(b) If circumstances warrant, issue to the person who is alleged to have committed the violation a notice requesting a written response and proof of corrective action, including, without limitation, the reimbursement of any excessive fees to the aggrieved person.

3. Failure to respond to a notice issued pursuant to paragraph (b) of subsection 2 within 30 days after receipt of the notice:

(a) Shall be deemed to be an admission of the violation; and

(b) Is punishable by an administrative fine in the amount of \$250.

Sec. 2. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155, except that if the limited-purpose association is created for a rural agricultural residential common-interest community, the limited-purpose association is not required to pay the fee unless the association intends to use the services of the Ombudsman;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038;

(II) NRS 116.31083 and 116.31152, unless the limited-purpose association is created for a rural agricultural residential common-interest community;

(III) NRS 116.31073, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; and

(IV) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) Common-interest communities or units located outside of this State, but NRS 116.4102 and 116.4103, and, to the extent applicable, NRS 116.41035 to 116.4107, inclusive, apply to a contract for the disposition of a unit in that common-interest community signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(c) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 55,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(d) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to ~~116.2122,~~ **116.2124**, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992;

(d) Except as otherwise provided in subsection 8 of NRS 116.31105, prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives;

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan; or

(f) Prohibit a master association which governs a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted and which is exempt from the provisions of this chapter pursuant to subsection 2 of NRS 116.12077 from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 3. ~~NRS 116.1203 is hereby amended to read as follows:~~

~~116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.~~

~~2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.~~

~~3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, and section 1 of this act and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.~~ **(Deleted by amendment.)**

Sec. 4. NRS 116.12075 is hereby amended to read as follows:

116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:

(a) This entire chapter applies to the condominium;

(b) Only the provisions of NRS 116.001 to ~~116.2122,~~ **116.2124**, inclusive, and 116.3116 to 116.31168, inclusive, apply to the condominium; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, apply to the condominium.

2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 5. NRS 116.12077 is hereby amended to read as follows:

116.12077 1. The provisions of this chapter do not apply to a planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter or a part of this chapter does apply to that planned community pursuant to this section.

2. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

3. The declaration for the nonresidential planned community may provide that:

- (a) This entire chapter applies to the planned community;
- (b) Only the provisions of NRS 116.001 to ~~116.2122~~, **116.2124**, inclusive, and 116.3116 to 116.31168, inclusive, apply to the planned community; or
- (c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, apply to the planned community.

4. If this entire chapter applies to a nonresidential planned community pursuant to subsection 3, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 5.5. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. The association may not institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on

behalf of itself or units' owners with respect to an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, unless the action pertains to:

- (1) Common elements;
 - (2) Any portion of the common-interest community that the association owns; or
 - (3) Any portion of the common-interest community that the association does not own but has an obligation to maintain, repair, insure or replace because the governing documents of the association expressly make such an obligation the responsibility of the association.
- (e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.
- (f) May regulate the use, maintenance, repair, replacement and modification of common elements.
- (g) May cause additional improvements to be made as a part of the common elements.
- (h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:
- (1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and
 - (2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.
- (i) May grant easements, leases, licenses and concessions through or over the common elements.
- (j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.
- (k) May impose charges for late payment of assessments pursuant to NRS 116.3115.
- (l) May impose construction penalties when authorized pursuant to NRS 116.310305.
- (m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.
- (n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) May impose a reasonable fee for opening or closing any file for each unit. Such a fee:

(1) Must be based on the actual cost the association incurs to open or close any file.

(2) Must not exceed \$350. *Beginning on January 1, 2022, the monetary amount in this subparagraph must be adjusted for each calendar year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor from December 2020 to the December preceding the calendar year for which the adjustment is calculated, but must not increase by more than 3 percent each year.*

(3) Must not be charged to both the seller and the purchaser of a unit.

(4) Except as otherwise provided in this subparagraph and subject to the limitation set forth in subparagraph (2), may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. The fee must not increase by more than 3 percent each year.

(p) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(q) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(r) May exercise any other powers conferred by the declaration or bylaws.

(s) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(t) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) 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.

(u) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

6. In providing any service or performing any act set forth in paragraph (n) or (o) of subsection 1, an association, or entity related to or acting on behalf of an association, shall not impose on a unit's owner, the authorized agent of a unit's owner, a purchaser or, pursuant to subsection 7 of NRS 116.4109, the holder of a security interest on a unit, a fee:

(a) Not enumerated in paragraph (n) or (o), as applicable, of subsection 1; or

(b) In an amount which exceeds any limitation provided or set forth in paragraph (n) or (o), as applicable, of subsection 1.

Sec. 6. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (o), inclusive, of subsection 1 of NRS 116.3102 and any costs of collecting a past due obligation charged pursuant to NRS 116.310313 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent, except that a lien under this section is prior to a security interest described in this paragraph to the extent set forth in subsection 3;

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative; and

(d) Liens for any fee or charge levied pursuant to subsection 1 of NRS 444.520.

3. A lien under this section is prior to all security interests described in paragraph (b) of subsection 2 to the extent of:

(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312;

(b) The unpaid amount of assessments, not to exceed an amount equal to assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding the date on which the notice of default and election to sell is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162; and

(c) The costs incurred by the association to enforce the lien in an amount not to exceed the amounts set forth in subsection 5,

➡ unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) of

subsection 2 must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162 or the institution of a judicial action to enforce the lien.

4. This section does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

5. The amount of the costs of enforcing the association's lien that are prior to the security interest described in paragraph (b) of subsection 2 must not exceed the actual costs incurred by the association, must not include more than one trustee's sale guaranty and must not exceed:

- (a) For a demand or intent to lien letter, ~~for \$150~~ **\$165**.
- (b) For a notice of delinquent assessment, \$325.
- (c) For an intent to record a notice of default letter, \$90.
- (d) For a notice of default, \$400.
- (e) For a trustee's sale guaranty, \$400.

➔ No costs of enforcing the association's lien, other than the costs described in this subsection, and no amount of attorney's fees may be included in the amount of the association's lien that is prior to the security interest described in paragraph (b) of subsection 2.

6. Notwithstanding any other provision of law, an association, or member of the executive board, officer, employee or unit's owner of the association, acting under the authority of this chapter or the governing documents of the association, or the community manager of the association, or any employee, agent or affiliate of the community manager, while engaged in the management of the common-interest community governed by the association, is not required to be licensed as a collection agency pursuant to chapter 649 of NRS or hire or contract with a collection agency licensed pursuant to chapter 649 of NRS to collect amounts due to the association in accordance with subsection 1 before the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162.

7. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

8. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

9. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

10. A lien for unpaid assessments is extinguished unless a notice of default and election to sell is recorded as required by paragraph (b) of subsection 1 of NRS 116.31162, or judicial proceedings to enforce the lien are instituted, within 3 years after the full amount of the assessments becomes due.

11. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

12. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

13. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

14. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

15. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

16. Notwithstanding any other provision of law, any payment of an amount due to an association in accordance with subsection 1 by the holder of any lien or encumbrance on a unit that is subordinate to the association's lien under this section becomes a debt due from the unit's owner to the holder of the lien or encumbrance.

Sec. 7. NRS 116.4101 is hereby amended to read as follows:

116.4101 1. NRS 116.4101 to 116.412, inclusive, apply to all units subject to this chapter, except as otherwise provided in subsection 2 or as modified or waived by agreement of purchasers of units in a common-interest community in which all units are restricted to nonresidential use.

2. Neither a public offering statement nor a ~~certificate of~~ resale ***package described in NRS 116.4109*** need be prepared or delivered in the case of a:

- (a) Gratuitous disposition of a unit;
- (b) Disposition pursuant to court order;
- (c) Disposition by a government or governmental agency;
- (d) Disposition by foreclosure or deed in lieu of foreclosure;
- (e) Disposition to a dealer;
- (f) Disposition that may be cancelled at any time and for any reason by the purchaser without penalty;
- (g) Disposition of a unit in a planned community which contains no more than 12 units if:
 - (1) The declarant reasonably believes in good faith that the maximum assessment stated in the declaration will be sufficient to pay the expenses of the planned community; and
 - (2) The declaration cannot be amended to increase the assessment during the period of the declarant's control without the consent of all units' owners;
- or
- (h) Disposition of a unit restricted to nonresidential purposes.

Sec. 7.2. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to

the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent, mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 calendar days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. ~~The Commission shall adopt regulations establishing the maximum amount of the fee that an~~

~~association may charge for preparing the certificate, which, and~~ must not exceed \$185, except that if a unit's owner or an authorized agent thereof requests that the certificate be furnished sooner than 3 business days after the date of the request, the association may charge a fee ~~of up to the maximum amount established by the Commission~~, **which must not exceed \$100**, to expedite the preparation of the certificate. The amount of the fee may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 calendar days allowed by this section, the purchaser is not liable for the delinquent assessment. A resale package provided to a unit's owner or his or her authorized agent pursuant to this section remains effective for 90 calendar days.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 calendar days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement and provide a copy of the statement to any other interested party. The association may charge a fee of not more than \$165 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than \$100 to furnish a statement of demand within 3 business days after receipt of a written request for a statement of demand. The amount of the fees

for preparing and furnishing a statement of demand and the additional fee for furnishing a statement of demand within 3 business days may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

➡ As used in this subsection, "interested party" includes the unit's owner selling the unit and the prospective purchaser of the unit.

8. ***In preparing, copying, furnishing or expediting or otherwise providing any document or other item pursuant to this section, an association, or entity related to or acting on behalf of an association, shall not charge a unit's owner, the authorized agent of a unit's owner, a purchaser or, pursuant to subsection 7, the holder of a security interest on a unit, any fee:***

(a) Not enumerated in this section; or

(b) In an amount which exceeds any limit set forth in this section.

9. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Sec. 7.4. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "violation" means a violation of:

1. Any provision of this chapter except NRS 116.31184;
2. Any regulation adopted pursuant to this chapter; or
3. Any order of the Commission or a hearing panel.

Sec. 7.6. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, **and section 1 of this act**, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

- (a) Any association and any officer, employee or agent of an association.
- (b) Any member of an executive board.
- (c) Any community manager who holds a certificate and any other community manager.
- (d) Any person who is registered as a reserve study specialist, or who conducts a study of reserves, pursuant to chapter 116A of NRS.
- (e) Any declarant or affiliate of a declarant.
- (f) Any unit's owner.
- (g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

- (a) Currently holds his or her office, employment, agency or position or who held the office, employment, agency or position at the commencement of proceedings against him or her.
- (b) Resigns his or her office, employment, agency or position:
 - (1) After the commencement of proceedings against him or her; or
 - (2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 7.8. NRS 116.755 is hereby amended to read as follows:

116.755 1. The rights, remedies and penalties provided by NRS 116.745 to 116.795, inclusive, **and section 1 of this act** are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

2. If the Commission, a hearing panel or another agency or officer elects to take a particular action or pursue a particular remedy or penalty authorized by NRS 116.745 to 116.795, inclusive, **and section 1 of this act** or another specific statute, that election is not exclusive and does not preclude the Commission, the hearing panel or another agency or officer from taking any other actions or pursuing any other remedies or penalties authorized by NRS 116.745 to 116.795, inclusive, **and section 1 of this act** or another specific statute.

3. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, **and section 1 of this act**, the Commission or a hearing panel shall not intervene in any internal activities of an association except to the extent necessary to prevent or remedy a violation.

Sec. 8. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than \$500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder;
~~and~~

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier ~~and~~ ; **and**

(6) *In the case of a foreclosure sale, depositing in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to:*

(I) *Each person who, in accordance with subsection 1 of NRS 107.090, has recorded a request for a copy of a notice of default or notice of sale with respect to the mortgage or other lien being foreclosed;*

(II) Each other person with an interest in the real property whose interest or claimed interest is subordinate to the mortgage or other lien being foreclosed; and

(III) An association that, pursuant to subsection 4 of NRS 107.090, has recorded a request for a copy of the deed upon a foreclosure sale.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

- (a) The physical address of the property; and
- (b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

- (1) You will be given at least 10 days to answer a summons and complaint;
- (2) If you do not file an answer, an order evicting you by default may be obtained against you;
- (3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and
- (4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section ~~[-“residential”]~~ :

(a) **“Foreclosure sale” means the sale of real property pursuant to NRS 40.430.**

(b) **“Residential foreclosure”** means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, “single family residence” means a structure that is comprised of not more than four units.

Sec. 9. NRS 21.150 is hereby amended to read as follows:

21.150 **1.** All sales of property under execution ~~[-shall]~~ **must** be made at auction to the highest bidder ~~[-, and shall be made]~~ between the hours of 9 a.m. and 5 p.m. **All sales of real property must be made at the courthouse of the county in which the property or some part thereof is situated.**

2. After sufficient property has been sold to satisfy the execution, ~~[-no]~~ more ~~[-shall]~~ **property must not** be sold. ~~[-Neither the]~~

3. ~~[-The]~~ officer holding the execution ~~[-nor]~~ **and** the officer's deputy shall **not** become a purchaser or be interested in any purchase at such sale.

4. When the sale is of personal property capable of manual delivery, it shall be in view of those who attend the sale and be sold in such parcels as are likely to bring the highest price. ~~[-, and]~~

5. Except as otherwise provided in subsection 6, when the sale is of real property and consisting of several known lots or parcels, they shall be sold separately, or when a portion of such real property is claimed by a third person and the third party requires it to be sold separately, such portion shall be thus sold. ~~[-All sales of real property shall be made at the courthouse of the county in which the property or some part thereof is situated.]~~ If the land to be sold under execution consists of a single parcel, or two or more contiguous parcels,

situated in two or more counties, notice of the sale must be posted and published in each of such counties, as provided in this chapter. The judgment debtor, if present at the sale, may also direct the order in which property, real or personal, shall be sold. When such property consists of several known lots or parcels, or of articles which can be sold to advantage separately, the sheriff shall be bound to follow such directions.

6. The provisions of subsection 5 do not apply to a sale pursuant to NRS 40.430.

Sec. 10. NRS 39.180 is hereby amended to read as follows:

39.180 ~~{If it appears to the court that it was}~~

1. To the extent necessary to ~~{have made an abstract}~~ grant the relief sought or other appropriate relief, the court shall upon adequate proof ascertain the state of the title to the property to be partitioned ~~{, and such abstract shall have been procured by}~~ pursuant to a report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the plaintiff ~~{,}~~ or ~~{if the plaintiff shall have failed to have the same made before the commencement of the action, and any one of the defendants shall have had such abstract afterward made,}~~ the defendant, and which lists the names of:

(a) Each owner of record of the property to be partitioned; and

(b) Each holder of record of a security interest in the property to be partitioned, if the security interest was created by a mortgage or a deed of trust.

2. The cost of the ~~{abstract,}~~ guarantee, with interest thereon from the time the same is subject to the inspection of the respective parties to the action, must be allowed and taxed. ~~{Whenever such abstract is procured by the plaintiff, before the commencement of the action, the plaintiff must file with the plaintiff's complaint a notice that an abstract of the title has been made, and is subject to the inspection and use of all the parties to the action, designating therein where the abstract will be kept for inspection. But if the plaintiff shall have failed to procure such abstract before commencing the action, and any defendant shall procure the same to be made, the defendant shall, as soon as the defendant has directed it to be made, file a notice thereof in the action with the clerk of the court, stating who is making the same, and where it will be kept when finished. The court, or the judge thereof, may direct from time to time during the progress of the action, who shall have the custody of the abstract.}~~

3. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.

Sec. 11. NRS 39.190 is hereby amended to read as follows:

39.190 The ~~{abstract}~~ **guarantee** mentioned in NRS 39.180 ~~{may be made by any competent searcher of records, and need not be certified by the recorder or other officer, but instead thereof it must be verified by the affidavit of the person making it, to the effect that the person believes it to be correct; but the~~

~~same~~ may be corrected from time to time if found incorrect, under the direction of the court.

Sec. 12. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.426 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an “action” does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 ~~or 104A~~ of NRS or by the Uniform Commercial Code as enacted in any other state, including, without limitation, an action for declaratory relief pursuant to chapter 30 of NRS to ascertain the identity of the person who is entitled to enforce an instrument pursuant to NRS 104.3309.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Pursuant to an agreement entered into pursuant to NRS 361.7311 between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.

(p) Which is exempted from the provisions of this section by specific statute.

(q) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 13. NRS 106.210 is hereby amended to read as follows:

106.210 1. Any assignment of a mortgage of real property ~~[- or of a mortgage of personal property or crops recorded prior to March 27, 1935,]~~ and any assignment of the beneficial interest under a deed of trust must be recorded in the office of the recorder of the county in which the property is located, and from the time any of the same are so filed for record shall operate as constructive notice of the contents thereof to all persons. A mortgage of real property ~~[- or a mortgage of personal property or crops recorded prior to March 27, 1935,]~~ which has been assigned may not be enforced unless and until the assignment is recorded pursuant to this subsection. If the beneficial interest under a deed of trust has been assigned, the trustee under the deed of trust may

not exercise the power of sale pursuant to NRS 107.080 unless and until the assignment is recorded pursuant to this subsection.

2. Each such filing or recording must be properly indexed by the recorder.

Sec. 14. NRS 106.220 is hereby amended to read as follows:

106.220 1. Any instrument by which any mortgage or deed of trust of, lien upon or interest in real property is subordinated or waived as to priority ~~it must, in case it concerns only~~ **concerning** one or more **other** mortgages or deeds of trust of, liens upon or interests in real property ~~it, together with, or in the alternative, one or more mortgages of, liens upon or interests in personal property or crops, the instruments or documents evidencing or creating which have been recorded prior to March 27, 1935,~~ **must** be recorded in the office of the recorder of the county in which the property is located, and from the time any of the same are so filed for record operates as constructive notice of the contents thereof to all persons. The instrument is not enforceable **in connection with a foreclosure** under this chapter or **a trustee's sale under** chapter 107 of NRS unless and until it is recorded.

2. Each such filing or recording must be properly indexed by the recorder.

Sec. 15. NRS 107.030 is hereby amended to read as follows:

107.030 Every deed of trust made after March 29, 1927, may adopt by reference all or any of the following covenants, agreements, obligations, rights and remedies:

1. COVENANT NO. 1. That grantor agrees to pay and discharge at maturity all taxes and assessments and all other charges and encumbrances which now are or shall hereafter be, or appear to be, a lien upon the premises, or any part thereof; and that grantor will pay all interest or installments due on any prior encumbrance, and that in default thereof, beneficiary may, without demand or notice, pay the same, and beneficiary shall be sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof.

2. COVENANT NO. 2. That the grantor will at all times keep the buildings and improvements which are now or shall hereafter be erected upon the premises insured against loss or damage by fire, to the amount of at least \$....., by some insurance company or companies approved by beneficiary, the policies for which insurance shall be made payable, in case of loss, to beneficiary, and shall be delivered to and held by the beneficiary as further security; and that in default thereof, beneficiary may procure such insurance, not exceeding the amount aforesaid, to be effected either upon the interest of trustee or upon the interest of grantor, or his or her assigns, and in their names, loss, if any, being made payable to beneficiary, and may pay and expend for premiums for such insurance such sums of money as the beneficiary may deem necessary.

3. COVENANT NO. 3. That if, during the existence of the trust, there be commenced or pending any suit or action affecting the premises, or any part thereof, or the title thereto, or if any adverse claim for or against the premises, or any part thereof, be made or asserted, the trustee or beneficiary may appear

or intervene in the suit or action and retain counsel therein and defend same, or otherwise take such action therein as they may be advised, and may settle or compromise same or the adverse claim; and in that behalf and for any of the purposes may pay and expend such sums of money as the trustee or beneficiary may deem to be necessary.

4. COVENANT NO. 4. That the grantor will pay to trustee and to beneficiary respectively, on demand, the amounts of all sums of money which they shall respectively pay or expend pursuant to the provisions of the implied covenants of this section, or any of them, together with interest upon each of the amounts, until paid, from the time of payment thereof, at the rate of percent per annum.

5. COVENANT NO. 5. That in case grantor shall well and truly perform the obligation or pay or cause to be paid at maturity the debt or promissory note, and all moneys agreed to be paid, and interest thereon for the security of which the transfer is made, and also the reasonable expenses of the trust in this section specified, then the trustee, its successors or assigns, shall reconvey to the grantor all the estate in the premises conveyed to the trustee by the grantor. Any part of the trust property may be reconveyed at the request of the beneficiary.

6. COVENANT NO. 6. That if default be made in the performance of the obligation, or in the payment of the debt, or interest thereon, or any part thereof, or in the payment of any of the other moneys agreed to be paid, or of any interest thereon, or if any of the conditions or covenants in this section adopted by reference be violated, and if the notice of breach and election to sell, required by this chapter, be first recorded, then trustee, its successors or assigns, on demand by beneficiary, or assigns, shall sell the above-granted premises, or such part thereof as in its discretion it shall find necessary to sell, in order to accomplish the objects of these trusts, in the manner following, namely:

The ~~trustees~~ **trustee** shall first give notice of the time and place of such sale, in the manner provided in NRS 107.080 and may postpone such sale not more than three times by proclamation made to the persons assembled at the time and place previously appointed and advertised for such sale, and on the day of sale so advertised, or to which such sale may have been postponed, the trustee may sell the property so advertised, or any portion thereof, at public auction, at the time and place specified in the notice, at a public location in the county in which the property, or any part thereof, to be sold, is situated, to the highest cash bidder. The beneficiary, obligee, creditor, or the holder or holders of the promissory note or notes secured thereby may bid and purchase at such sale. The beneficiary may, after recording the notice of breach and election, waive or withdraw the same or any proceedings thereunder, and shall thereupon be restored to the beneficiary's former position and have and enjoy the same rights as though such notice had not been recorded.

7. COVENANT NO. 7. That the trustee, upon such sale, shall make (without warranty), execute and, after due payment made, deliver to purchaser or

purchasers, his, her or their heirs or assigns, a deed or deeds of the premises so sold which shall convey to the purchaser all the title of the grantor in the premises, and shall apply the proceeds of the sale thereof in payment, firstly, of the expenses of such sale, together with the reasonable expenses of the trust, including counsel fees, in an amount equal to percent of the amount secured thereby and remaining unpaid or reasonable counsel fees and costs actually incurred, which shall become due upon any default made by grantor in any of the payments aforesaid; and also such sums, if any, as trustee or beneficiary shall have paid, for procuring a search of the title to the premises, or any part thereof, subsequent to the execution of the deed of trust; and in payment, secondly, of the obligation or debts secured, and interest thereon then remaining unpaid, and the amount of all other moneys with interest thereon herein agreed or provided to be paid by grantor; and the balance or surplus of such proceeds of sale it shall pay to grantor, his or her heirs, executors, administrators or assigns.

8. COVENANT NO. 8. That in the event of a sale of the premises, or any part thereof, and the execution of a deed or deeds therefor under such trust, the recital therein of default, and of recording notice of breach and election of sale, and of the elapsing of the 3-month period, and of the giving of notice of sale, and of a demand by beneficiary, his or her heirs or assigns, that such sale should be made, shall be conclusive proof of such default, recording, election, elapsing of time, and of the due giving of such notice, and that the sale was regularly and validly made on due and proper demand by beneficiary, his or her heirs and assigns; and any such deed or deeds with such recitals therein shall be effectual and conclusive against grantor, his or her heirs and assigns, and all other persons; and the receipt for the purchase money recited or contained in any deed executed to the purchaser as aforesaid shall be sufficient discharge to such purchaser from all obligation to see to the proper application of the purchase money, according to the trusts aforesaid.

9. COVENANT NO. 9. That the beneficiary or his or her assigns may, from time to time, appoint another trustee, or trustees, to execute the trust created by the deed of trust. An instrument executed and acknowledged by the beneficiary is conclusive proof of the proper appointment of such substituted trustee. Upon the recording of such executed and acknowledged instrument, the new trustee or trustees shall be vested with all the title, interest, powers, duties and trusts in the premises vested in or conferred upon the original trustee. If there be more than one trustee, either may act alone and execute the trusts upon the request of the beneficiary, and all of the trustee's acts thereunder shall be deemed to be the acts of all trustees, and the recital in any conveyance executed by such sole trustee of such request shall be conclusive evidence thereof, and of the authority of such sole trustee to act.

Sec. 16. NRS 108.2405 is hereby amended to read as follows:

108.2405 1. The provisions of NRS 108.2403 and 108.2407 do not apply:

(a) In a county with a population of 700,000 or more with respect to a ground lessee who enters into a ground lease for real property which is designated for use or development by the county for commercial purposes which are compatible with the operation of the international airport for the county.

(b) If all owners of the property, individually or collectively, record a written notice of waiver of the owners' rights set forth in NRS 108.234 with the county recorder of the county where the property is located before the commencement of construction of the work of improvement. Such a written notice of waiver may be with respect to one or more works of improvement as described in the written notice of waiver.

2. Each owner who records a notice of waiver pursuant to paragraph (b) of subsection 1 must serve such notice by certified mail, return receipt requested, upon any prime contractor of the work of improvement and all other lien claimants who give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner's receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this subsection ~~1~~, *whichever is later*.

3. As used in this section:

(a) "Ground lease" means a written agreement:

(1) To lease real property which, on the date on which the agreement is signed, does not include any existing buildings or improvements that may be occupied on the land; and

(2) That is entered into for a period of not less than 10 years, excluding any options to renew that may be included in any such lease.

(b) "Ground lessee" means a person who enters into a ground lease as a lessee with the county as record owner of the real property as the lessor.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1, **1.5** and 3 of this act become effective:

(a) 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 ~~section 1~~ **sections 1, 1.5** and **1.5**;

(b) On January 1, 2022, for all other purposes.

3. Sections 2 and 4 to 16, inclusive, of this act become effective on January 1, 2022.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 92.

AN ACT relating to offenders; establishing a credit against the sentence of certain offenders incarcerated during a state of emergency declared due to a communicable or infectious disease; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law permits an offender to earn certain credits to reduce his or her sentence of imprisonment. (NRS 209.433-209.449) **Section 1** of this bill allows for an additional credit of 5 days for each month served by an offender who is incarcerated in an institution or facility of the Department of Corrections during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect. **Section 1** also: (1) limits such credits an offender may earn to not more than 60 days of credit for any state of emergency; (2) requires such credits to apply to eligibility for parole and to 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 (3) requires such credits to be deducted from the maximum term or maximum aggregate term imposed by the sentence, as applicable. **Section 2** of this bill makes a conforming change to indicate the appropriate placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill requires the credits authorized in this bill to be applied retroactively to the sentence of an offender who was incarcerated in an institution or facility of the Department during the period in which the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in effect. **Section 3** also requires the Director of the Department to, not later than 60 days after the effective date of this bill, submit a report containing a list of the offenders who have received credits pursuant to the provisions of this bill for the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against the offender and who is actually incarcerated in an institution or facility of the Department pursuant to his or her sentence during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect must be allowed, in addition to the credits

provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 5 days from his or her sentence for each month the offender serves during the state of emergency. An offender shall not be allowed more than 60 days of credit pursuant to this section.

2. Credits earned pursuant to this section:

(a) Apply to eligibility for parole and 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

(b) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

3. As used in this section:

(a) “Communicable disease” means an infectious disease that can be transmitted from person to person, animal to person or insect to person.

(b) “Infectious disease” means a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious disease may or may not be transmissible from person to person, animal to person or insect to person.

Sec. 2. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. “Offender” includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. “Residential confinement” means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 3. 1. The credits provided in section 1 of this act must be applied retroactively to reduce the term of imprisonment of an offender who has no serious infraction of the regulations of the Department of Corrections or the laws of the State recorded against the offender and who was actually incarcerated in an institution or facility of the Department during the period in which the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in effect.

2. Not later than 60 days after the effective date of this act, the Director of the Department of Corrections shall submit a report containing a list of the offenders who have received credits pursuant to the provisions of subsection 1 and section 1 of this act for the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, to the Chief Justice of

the Nevada Supreme Court, the State Public Defender, the Attorney General, **the Executive Director of the Department of Sentencing Policy** and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 98.

AN ACT relating to education; updating the signatories to the Western Regional Education Compact; changing the name of the Office of the Western Regional Education Compact to the Nevada Office of the Western Interstate Commission for Higher Education; revising provisions relating to the powers and duties of the Nevada State Commissioners and the Nevada Office; revising provisions relating to financial support received by participants enrolled in programs under the terms of the Compact; revising provisions relating to certain accounts administered by the Nevada Office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the execution of the Western Regional Education Compact for the purpose of the State of Nevada cooperating with other western states in the formation of the Western Interstate Commission for Higher Education. (NRS 397.010) Under the terms of the Compact, Nevada residents may participate in programs that provide financial support to assist them in attending colleges and universities located within the states and territories that are signatories to the Compact. (NRS 397.020) **Sections 6-8** of this bill update the Compact to include ~~(Guam)~~ **the U.S. Pacific Territories and Freely Associated States** which became a signatory to the Compact in 2016.

The Compact creates the Western Interstate Commission for Higher Education, consisting of three Commissioners from each state or territory that is a signatory to the Compact, and requires the Commission to establish and maintain an office (Compact Office) within one of the compacting states. (NRS 397.020) Existing law requires the Governor to appoint the three Commissioners from the State of Nevada. (NRS 397.020, 397.030) In furtherance of the Compact, the Office of the Western Regional Education Compact is created under existing law within the Office of the Governor. Existing law requires the Governor to appoint a Director of this Office and authorizes the Director to employ staff. (NRS 223.700) **Section 24** of this bill changes the name of the Office of the Western Regional Education Compact

to the Nevada Office of the Western Interstate Commission for Higher Education to distinguish it from the Compact Office. **Sections 10 and 24** of this bill revise the responsibility for certain powers and duties in existing law related to the Compact.

Existing law generally authorizes the three Nevada State Commissioners to delegate authority to carry out their powers and duties at a meeting held in accordance with the Open Meeting Law. (NRS 397.030) **Section 9** of this bill specifically authorizes the Commissioners to delegate to an officer or employee of the Nevada Office the authority to enter into an agreement that will be binding on the Nevada Office. **Sections 17 and 28** of this bill remove redundant provisions of existing law authorizing the Commissioners to delegate authority to perform certain duties. (NRS 397.064, 397.0655, 397.067)

Existing law authorizes the Western Interstate Commission for Higher Education to apply for and accept grants for certain purposes related to the Compact. (NRS 397.0557) **Section 12** of this bill specifically authorizes the Nevada Office to apply for and accept grants, gifts and donations and **section 15** of this bill prescribes the deposit and use of this money.

Existing law establishes two accounts to be used by the Nevada State Commissioners to pay certain administrative expenses and dues. (NRS 397.050, 397.062) **Section 28** abolishes one of the duplicative accounts. (NRS 397.050) **Section 15** revises the name of the remaining account.

Existing law provides for two programs under the Compact: (1) one program administered by the Nevada Office, which requires participants to practice in a health professional shortage area or an area with a medically underserved population in this State after graduation; and (2) one program administered by the Compact Office, which requires participants to practice the profession in which they were certified in this State after graduation. (NRS 397.060, 397.0617, 397.0645) **Section 13** of this bill revises the process for selecting participants for programs administered by the Compact Office by: (1) removing the requirement that the Nevada State Commissioners review and certify a list of Nevada applicants to the Compact Office; and (2) instead requiring the Nevada State Commissioners to compile a list of such applicants and transmit the list to the Compact Office. **Sections 11 and 13** of this bill remove reference to the term “contract place” with respect to both programs.

Existing law requires the Western Interstate Commission for Higher Education to provide financial support to a participant enrolled in a program in the form of a support fee, certain portions of which are designated as either: (1) a loan that the participant is required to repay; or (2) a stipend that the participant is not required to repay unless he or she does not meet certain requirements after graduation. (NRS 397.0615) **Section 14** of this bill removes the requirement that a portion of the support fee be designated as a loan, thereby requiring that any financial support provided to a participant be provided in the form of a stipend which the participant is not required to repay unless he or she does not meet certain requirements after graduation. **Section**

16 of this bill makes a conforming change by specifying that the Nevada State Commissioners must use money in the Nevada Office of the Western Interstate Commission for Higher Education's Loan and Stipend Fund solely to provide stipends to participants. **Sections 17 and 22** of this bill also make conforming changes by providing that certain requirements apply if a stipend received by a participant is converted to a loan as a result of the participant's failure to meet the requirements after graduation. **Section 17** also requires the Nevada State Commissioners to adopt regulations governing the repayment of loans. **Section 28** makes a conforming change to eliminate certain requirements in existing law related to repayment of loans. (NRS 397.067)

Existing law prescribes a process to award repayment of a stipend received by a participant in a program administered by the Nevada Office. (NRS 397.0617) Existing law also prescribes a separate, similar process to avoid repayment of a stipend received by a participant in a program administered by the Compact Office. (NRS 397.0645-397.0653) **Section 18** of this bill combines these two processes into a single process that applies to participants in programs administered by either office. **Sections 20, 21 and 28** of this bill make conforming changes as a result of the combination of these processes. (NRS 397.0617, 397.0653, 397.0685, 397.069)

Existing law requires the Nevada State Commissioners to assess a default charge against a participant who received a stipend to participate in a program administered by the Nevada Office if the participant does not meet certain requirements after graduation. (NRS 397.0617) **Section 18** authorizes the Nevada State Commissioners to assess a default charge against a participant who received a stipend to participate in a program administered by the Compact Office.

Section 19 of this bill eliminates certain penalties that existing law authorizes the Nevada State Commissioners to impose on a participant for failure to comply with regulations adopted by the Nevada State Commissioners. (NRS 397.068)

Section 28 eliminates the authority in existing law for the Nevada State Commissioners to require: (1) a recipient to acquire certain insurance as security for a stipend or loan; or (2) that a financially responsible person agree to be jointly liable with the recipient for the repayment of the stipend or loan. (NRS 397.066) **Section 28** also eliminates certain obsolete provisions in existing law relating to the repayment of stipends received before July 1, 1995. (NRS 397.065)

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

Section 1. Chapter 397 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 397.005 and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Compact” means the Western Regional Education Compact set forth in NRS 397.020.*

Sec. 4. *“Nevada Office” means the Nevada Office of the Western Interstate Commission for Higher Education created by NRS 223.700.*

Sec. 5. *“Participant” means a person who receives a stipend from the Western Interstate Commission for Higher Education to participate in a program administered by the Nevada Office or the office of the Western Interstate Commission for Higher Education established pursuant to Article 7 of the Compact.*

Sec. 6. NRS 397.005 is hereby amended to read as follows:

397.005 ~~As used in this chapter, “state”~~ **“State”** means a state, territory or possession of the United States, the District of Columbia ~~or the Commonwealth of the Northern Mariana Islands,~~ **Guam or the U.S. Pacific Territories and Freely Associated States.**

Sec. 7. NRS 397.010 is hereby amended to read as follows:

397.010 1. The Governor is hereby authorized and directed to execute a compact on behalf of this state with each or all of the ~~13-17 western states~~ **16 members of the Western Interstate Commission for Higher Education** for the purpose of cooperating with such states in the formation of a Western Interstate Commission for Higher Education.

2. Notice of intention to withdraw from such Compact shall be executed and transmitted by the Governor.

Sec. 8. NRS 397.020 is hereby amended to read as follows:

397.020 The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter:

Western Regional Education Compact

The contracting states do hereby agree as follows:

ARTICLE 1

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, It is believed that the Western States, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof;

Now, therefore, the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming ~~1, Guam and the Commonwealth of the Northern Mariana Islands~~ and the U.S. Pacific Territories and Freely Associated States do hereby covenant and agree as follows:

ARTICLE 2

Each of the compacting states pledges to each of the other compacting states faithful cooperation in carrying out all the purposes of this compact.

ARTICLE 3

The compacting states hereby create the Western Interstate Commission for Higher Education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states.

ARTICLE 4

The commission shall consist of three resident members from each compacting state. At all times one commissioner from each compacting state shall be an educator engaged in the field of higher education in the state from which the commissioner is appointed.

The commissioners from each state shall be appointed by the governor thereof as provided by law in such state. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his or her successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

ARTICLE 5

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states.

One or more commissioners from a majority of the compacting states shall constitute a quorum for the transaction of business.

Each compacting state represented at any meeting of the commission is entitled to one vote.

ARTICLE 6

The commission shall elect from its number a chair and a vice chair, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

ARTICLE 7

The commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chair may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states shall call additional meetings.

The commission shall submit a budget to the governor of each compacting state at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or the designated representative of the governor. The commission shall not be subject to the audit and accounting procedure of any of the compacting states. The commission shall provide for an independent annual audit.

ARTICLE 8

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements:

(a) With the governing authority of any educational institution in the region, or with any compacting state, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states, uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states.

ARTICLE 9

The operating costs of the commission shall be apportioned equally among the compacting states.

ARTICLE 10

This compact shall become operative and binding immediately as to those states adopting it whenever five or more of the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territory adopting thereafter at the time of such adoption.

ARTICLE 11

This compact may be terminated at any time by consent of a majority of the compacting states. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal

shall not relieve the withdrawing state from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state may be reinstated by application to and the approval by a majority vote of the commission.

ARTICLE 12

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of three-fourths of the other member states.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission.

Sec. 9. NRS 397.030 is hereby amended to read as follows:

397.030 1. In furtherance of the provisions contained in the Compact, there must be three Commissioners from the State of Nevada, appointed by the Governor to serve ~~in the Office of~~ **on the Western ~~Regional~~ Interstate Commission for Higher Education ~~Compact~~ created by ~~NRS 223.700.~~ the Compact.**

2. The qualifications and terms of the three Nevada State Commissioners must be in accordance with Article 4 of the Compact. A Nevada State Commissioner shall hold office until his or her successor is appointed and qualified, but the successor's term expires 4 years after the legal date of expiration of the term of his or her predecessor.

3. Any Nevada State Commissioner may be removed from office by the Governor upon charges and after a hearing.

4. The term of any Nevada State Commissioner who ceases to hold the required qualifications terminates when a successor is appointed.

5. ~~The~~ **Except as otherwise provided in subsection 6, the** three Nevada State Commissioners, acting jointly, may:

(a) Adopt regulations as necessary to carry out the provisions of this chapter ~~. ~~and~~~~

(b) At a meeting held in accordance with the provisions of chapter 241 of NRS, delegate to an officer or employee of the Nevada Office ~~of the Western Interstate Commission for Higher Education~~ the authority to undertake any actions authorized or required by the provisions of this chapter, ~~except that~~ **including, without limitation, the authority to enter into an agreement that will be binding on the Nevada Office.**

6. The three Nevada State Commissioners may not delegate the authority to enter into any agreement that will be binding on the *Western Interstate Commission for Higher Education*. **Any agreement that will be binding on the Western Interstate Commission for Higher Education** must be approved by ~~the~~ **that** Commission.

Sec. 10. NRS 397.040 is hereby amended to read as follows:

397.040 1. All officers of the State are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the Compact in every particular, it being hereby declared to be the policy of this state to perform and carry out the Compact and to accomplish the purposes thereof.

2. All officers, bureaus, departments and persons of and in the State Government or administration of the State are hereby authorized and directed at convenient times and upon request of the ~~{Commission}~~ **Nevada Office** to furnish the ~~{Commission}~~ **Nevada Office** with information and data possessed by them and to aid the ~~{Commission}~~ **Nevada Office** by any means lying within their legal rights.

Sec. 11. NRS 397.055 is hereby amended to read as follows:

397.055 1. Whenever the three Nevada State Commissioners ~~{appointed pursuant to NRS 397.030}~~ are unable to ~~{provide contract places for}~~ **enroll** Nevada residents in graduate or professional schools pursuant to contractual agreements authorized by Article 8 of the Compact, or the cost of attending a school within the region is excessive, they may enter into contractual agreements with the governing authority of any educational institution offering accredited graduate and professional education outside the region of the Compact or with any state outside the region.

2. The terms and conditions of any such agreements must adhere to the same standards which are observed in the selection of ~~{contract places for Nevada residents in graduate or professional schools within the region.}~~ **participants.**

Sec. 12. NRS 397.0557 is hereby amended to read as follows:

397.0557 The ~~{Western Interstate Commission for Higher Education}~~ **Nevada Office** may apply for and accept ~~{grants. Upon receipt of sufficient grants, the Commission, or the three Nevada State Commissioners, acting jointly, may enter into binding agreements to purchase additional contract places for Nevada residents in graduate or professional schools within the region. The provisions of NRS 397.060 apply to the selection and certification of applicants to fill any contract place purchased pursuant to this section. The provisions of NRS 397.0615, 397.0645 and 397.0653 do not apply to financial support provided to a participant pursuant to this section. The terms and conditions of repayment, if any, must be set forth fully in a contract between the participant and the grantor.}~~ **any grant, gift or donation.**

Sec. 13. NRS 397.060 is hereby amended to read as follows:

397.060 The three Nevada State Commissioners, acting jointly:

1. Shall:

(a) Choose from among Nevada residents who apply for a program administered by the Nevada Office, ~~{of the Western Interstate Commission for Higher Education,}~~ and have at least 1 year's residence in this state immediately before applying for the program, those most qualified ~~{for contract places; and~~

~~—(b) Certify them to receiving institutions or locations at which an applicant will practice his or her profession.~~

~~—2. Shall choose from among the applicants, for} to participate in~~ a program administered by the Nevada Office. ~~{of the Western Interstate Commission for Higher Education, who apply for a support fee of 100 percent stipend for practice in certain professions and locations, and who lack at least 1 year of residence in this State immediately before applying for the program, those most qualified for contract places.~~

~~—3. Shall review and certify the}~~

(b) **Compile** a list of Nevada applicants for programs administered by the ~~{Regional Office}~~ **office** of the Western Interstate Commission for Higher Education ~~†~~.

~~—4.} established pursuant to Article 7 of the Compact and transmit the list to that office.~~

2. May enter into any reciprocity agreement, including, without limitation, the State Authorization Reciprocity Agreement ~~†~~ **as implemented by the Western Interstate Commission for Higher Education,** for the purpose of authorizing a postsecondary educational institution that is located in another state or territory of the United States to provide distance education to residents of this State if the requirements contained in the agreement for authorizing a postsecondary educational institution that is located in another state or territory of the United States to provide distance education to residents of this State are substantially similar to the requirements for licensure of a postsecondary educational institution by the Commission on Postsecondary Education pursuant to NRS 394.383 to 394.560, inclusive. As used in this subsection, "postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 14. NRS 397.0615 is hereby amended to read as follows:

397.0615 Financial support provided to ~~{an applicant who is chosen by the three Nevada State Commissioners to receive such support from the Western Interstate Commission for Higher Education}~~ **a participant** must be provided in the form of a ~~{support fee. Except as otherwise provided in NRS 397.0617, 25 percent of the support fee is a loan that the recipient must repay with interest pursuant to NRS 397.063 or 397.064, as appropriate. Seventy-five percent of the support fee is a}~~ stipend that the ~~{recipient}~~ **participant** is not required to repay, except as otherwise provided in NRS ~~{397.0653.}~~ **397.0645.**

Sec. 15. NRS 397.062 is hereby amended to read as follows:

397.062 1. There is hereby created an account in the State General Fund entitled the **Nevada Office of the** Western Interstate Commission for Higher Education's Account. ~~{for Administrative Expenses.}~~ Any money received by

the three Nevada State Commissioners as the proceeds of any penalty, ~~for~~ appropriated or authorized from the State General Fund for the purposes of carrying out the provisions of this chapter *or pursuant to NRS 397.0557* must be deposited in this Account.

2. The three Nevada State Commissioners, acting jointly, shall administer the Account and the money in the Account ~~must~~ *may* be used to:

(a) Pay miscellaneous expenses incurred in administering the *Nevada Office of the* Western Interstate Commission for Higher Education's Loan and Stipend Fund; ~~and~~

(b) Pay expenses incurred in collecting money due the State from a loan ~~for a stipend granted from the Western Interstate Commission for Higher Education's Loan and Stipend Fund.~~

~~3. The money in the Account may be used by the three Nevada State Commissioners, acting jointly, to:~~

~~(a) made pursuant to NRS 397.064;~~

(c) Pay dues to the Western Interstate Commission for Higher Education; and

~~(b)~~ (d) Pay administrative expenses of the Nevada Office. ~~{of the Western Interstate Commission for Higher Education.}~~

Sec. 16. NRS 397.063 is hereby amended to read as follows:

397.063 1. All ~~{contributions from participants}~~ *money received as payment for a loan made pursuant to NRS 397.064* must be accounted for in the *Nevada Office of the* Western Interstate Commission for Higher Education's Loan and Stipend Fund which is hereby created as an enterprise fund.

2. The three Nevada State Commissioners, acting jointly, shall administer the Fund, and the money in the Fund must be used solely to provide ~~for~~

~~(a) Loans to; and~~

~~(b) Contractual arrangements for educational services and facilities for, residents of Nevada who are certified to attend graduate or professional schools in accordance with the provisions of this chapter.~~

~~3. Loans from the Western Interstate Commission for Higher Education's Loan and Stipend Fund before July 1, 1985, and loans made to students classified as continuing students before July 1, 1985, must be made upon the following terms:~~

~~(a) All loans must bear interest at 5 percent per annum from the date when the participant receives the loan.~~

~~(b) Each participant receiving a loan must repay the loan with interest following the termination of the participant's education or completion of the participant's internship in accordance with the following schedule:~~

~~(1) Within 5 years for loans which total less than \$10,000.~~

~~(2) Within 8 years for loans which total \$10,000 or more but less than \$20,000.~~

~~(3) Within 10 years for loans which total \$20,000 or more.~~

~~—(e) No participant's loan may exceed 50 percent of the student fees for any academic year.} stipends to participants.~~

Sec. 17. NRS 397.064 is hereby amended to read as follows:

397.064 ~~{Loans}~~

1. *If a stipend received from the Nevada Office of the Western Interstate Commission for Higher Education's Loan and Stipend Fund ~~{to participants who enter the program on or after July 1, 1985,}~~ is converted into a loan pursuant to NRS 397.0645, the loan* must be made upon the following terms:

~~{1.}~~ **(a)** All loans must bear a competitive interest rate, which must be established by the three Nevada State Commissioners, acting jointly. ~~{, from the first day of the term for which the participant received the loan. The three Nevada State Commissioners, acting jointly, may delegate to the Director of the Nevada Office of the Western Interstate Commission for Higher Education the authority to establish the interest rate pursuant to this section.~~

~~—2. Except as otherwise provided in NRS 397.0617, each participant receiving a loan must repay the loan with interest following the termination of the participant's education or completion of the participant's internship for which the loan is made.~~

~~—3. The loan must be repaid in monthly installments over the period allowed, as set forth in subsection 4, with the first installment due 1 year after the date of the termination of the participant's education or the completion of the participant's internship for which the loan is made. The amounts of the installments may not be less than \$50 and may be calculated to allow a smaller payment at the beginning of the repayment period, with each succeeding payment gradually increasing so that the total amount due will have been paid within the period allowed for repayment.~~

~~—4. The three Nevada State Commissioners, acting jointly, shall, or shall delegate to the Director of the Nevada Office of the Western Interstate Commission for Higher Education the power to, schedule the repayment within the following periods:~~

~~—(a) Five years for loans which total less than \$10,000.~~

~~—(b) Eight years for loans which total \$10,000 or more but less than \$20,000.~~

~~—(c) Ten years for loans which total \$20,000 or more.~~

~~—5. A participant's loan may not exceed 50 percent of the student fees for any academic year.~~

~~—6.}~~ **(b)** A delinquency charge may be assessed on any installment delinquent 10 days or more in an amount that must be established by the three Nevada State Commissioners, acting jointly. ~~{The Nevada State Commissioners, acting jointly, may delegate to the Director of the Nevada Office of the Western Interstate Commission for Higher Education the authority to establish an appropriate delinquency charge pursuant to this subsection.~~

~~—7.}~~ **(c)** The reasonable costs of collection and attorney's fees may be recovered in the event of delinquency.

2. *The three Nevada State Commissioners, acting jointly, shall adopt regulations governing the repayment of loans, including, without limitation,*

the period allowed for the repayment and the minimum amount of money that may be repaid in an installment.

Sec. 18. NRS 397.0645 is hereby amended to read as follows:

397.0645 1. A participant ~~who receives from the Western Interstate Commission for Higher Education a stipend governed by the provisions of NRS 397.065 or 397.0653~~ must repay ~~all state contributions for~~ the stipend *received by the participant* unless the participant ~~practices~~ :

(a) Graduates with a degree, certificate or similar credential in the area for which the participant received the stipend.

(b) Except as otherwise provided in NRS 397.0685, practices, in Nevada, the profession ~~in~~ for which ~~the participant was certified~~:

~~— (a) For 3 years, if the participant entered the program before July 1, 1985;~~

~~— (b) For *the degree, certificate or similar credential was awarded for* 1 year for each year the participant receives a stipend. ~~if the participant enters the program after June 30, 1985; or~~~~

~~(c) For 1 year for each 9 months the participant receives a stipend, if the participant enters the program after June 30, 1985, and is enrolled in an accelerated program that provides more than 1 academic year of graduate and professional education in 9 months;~~

~~↪~~ *Except as otherwise provided in NRS 397.069:*

(1) Commences the participant's practice obligation within 1 year after the completion or termination of the education, internship or residency for which the participant received the stipend.

(2) Completes the participant's practice obligation within 5 years after the completion or termination of the ~~participant's~~ education, internship or residency for which the participant ~~receives~~ received the stipend.

(d) Reports the participant's practice status annually to the Nevada Office on forms provided by the Nevada Office.

(e) Maintains the participant's permanent residence in the State of Nevada throughout the period of the participant's practice obligation. For purposes of this paragraph:

(1) Merely owning a residence in this State does not satisfy the requirement that a participant must maintain a permanent residence in this State.

(2) A participant who leaves the State for a limited period of time without forming the intent of changing the participant's permanent residence is not considered to have moved the participant's residence.

(f) If the participant received the stipend to participate in a program administered by the Nevada Office, completes the practice required by paragraph (b) of subsection 1 in a health professional shortage area or an area with a medically underserved population in this State.

2. ~~The~~ *Except as otherwise provided in subsection 3, if a participant does not meet the requirements prescribed in subsection 1, the three Nevada State Commissioners, acting jointly : ~~may adopt regulations which~~*

(a) ~~Reduce the period of required practice for a participant who practices his or her profession in a rural area, a health professional shortage area, a medically underserved area or an area with a medically underserved population of this state as described in NRS 397.0617, or as an employee of this state in accordance with NRS 397.0685.~~ ***Shall convert the stipend into a loan to be repaid in accordance with NRS 397.064 from the first day of the term for which the participant received the stipend.***

(b) ~~Extend the time for completing the required practice beyond 5 years for a~~ ***Shall assess a default charge against the participant [who is granted an extension because of hardship] if the participant received the stipend to participate in a program administered by the Nevada Office.***

(c) ***May assess a default charge against the participant if the participant received the stipend to participate in a program administered by the office of the Western Interstate Commission for Higher Education established pursuant to Article 7 of the Compact.***

3. If the period for the required practice is only partially completed, the three Nevada State Commissioners, acting jointly, may ~~give credit towards repayment of~~ ***decrease the [stipend] amount owed under the loan*** for the time the participant practiced his or her profession as required.

4. ***As used in this section:***

(a) ***“Area with a medically underserved population” means an area:***

(1) ***Designated as such by ~~the Health Resources and Services Administration of the United States [Department]~~ Secretary of Health and Human Services pursuant to 42 U.S.C. § 254c; and***

(2) ***Which meets any additional requirements prescribed by the Nevada Department of Health and Human Services.***

(b) ***“Health professional shortage area” means a geographic area:***

(1) ***Designated as such by ~~the Health Resources and Services Administration of the United States [Department]~~ Secretary of Health and Human Services pursuant to 42 U.S.C. § 254e; and***

(2) ***Which meets any additional requirements prescribed by the Nevada Department of Health and Human Services.***

Sec. 19. NRS 397.068 is hereby amended to read as follows:

397.068 A ~~recipient of a loan or a stipend under the program of the Western Regional Education Compact~~ ***participant*** shall comply with ~~the~~ ***any requirements prescribed by*** regulations adopted by the ~~Commission or the~~ three Nevada State Commissioners. If the ~~recipient~~ ***participant*** fails ~~to~~ to comply, the three Nevada State Commissioners, acting jointly, may:

1. For each infraction, impose a fine of not more than \$200 against any ~~recipient~~ ***participant*** in any academic or practicing year, and may deny additional money to any participant who fails to pay the fine when due; ***and***

2. ~~Increase the portion of any future loan to be repaid by the recipient;~~

~~3. Extend the time a recipient is required to practice the recipient’s profession to repay the recipient’s stipend; and~~

~~—4.—~~ Expel the ~~{recipient}~~ *participant* from the program ~~{}~~ *for which the participant received the stipend.*

Sec. 20. NRS 397.0685 is hereby amended to read as follows:

397.0685 1. *A participant may petition the three Nevada State Commissioners for a reduction of the period of required practice prescribed by paragraph (b) of subsection 1 of NRS 397.0645.*

2. The three Nevada State Commissioners, acting jointly, may, after receiving a written ~~{application}~~ *petition* stating the reasons therefor, reduce the period of required practice ~~{for the repayment of a stipend under NRS 397.0645 if the applicant:~~

~~—(a) Has had at least 1 continuous year of practice of the applicant's profession in this state, and practices the applicant's profession in a rural area, a health professional shortage area, a medically underserved area or an area with a medically underserved population of this state. The applicant's practice in the area must be equal to at least half of the total time spent by the applicant in the applicant's professional practice, and not less than 20 hours per week.~~

~~—(b) Practices the applicant's profession as a full time employee of the State of Nevada and has been employed by the State for at least 1 continuous year immediately before the applicant's application.~~

~~—2.— Any claim as to practice must be verified.~~ *in accordance with the regulations adopted pursuant to subsection 3.*

3. *The three Nevada State Commissioners, acting jointly, shall adopt regulations to carry out the provisions of this section.*

Sec. 21. NRS 397.069 is hereby amended to read as follows:

397.069 1. *A participant may petition the three Nevada State Commissioners for:*

(a) An exemption from the requirement prescribed by subparagraph (1) of paragraph (c) of subsection 1 of NRS 397.0645.

(b) An extension of the period for completing the required practice prescribed by subparagraph (2) of paragraph (c) of subsection 1 of NRS 397.0645.

2. The three Nevada State Commissioners, acting jointly, may after receiving ~~{an application}~~ *a written petition* stating the reasons therefor, grant an *exemption to the requirement prescribed by subparagraph (1) of paragraph (c) of subsection 1 of NRS 397.0645 or an extension of the period for {the repayment of a loan or a stipend under the program in case of hardship arising out of the individual circumstances of a recipient. The extension must be for a period that will reasonably alleviate that hardship.*

~~—2.— Applications for extensions must be filed within the time prescribed by regulation of~~ *completing the required practice prescribed by subparagraph (2) of paragraph (c) of subsection 1 of NRS 397.0645 in accordance with the regulations adopted pursuant to subsection 3.*

3. *The three Nevada State Commissioners, acting jointly {}, shall adopt regulations to carry out the provisions of this section.*

Sec. 22. NRS 397.0695 is hereby amended to read as follows:

397.0695 A participant obligated to repay a *stipend that is converted to a loan pursuant to NRS 397.0645* may, as determined by the three Nevada State Commissioners, acting jointly, receive credit towards payment of the loan for professional services provided without compensation to the State or any of its political subdivisions.

Sec. 23. NRS 397.070 is hereby amended to read as follows:

397.070 The ~~{Commission}~~ *three Nevada State Commissioners, acting jointly*, shall:

1. Keep accurate accounts of ~~{its}~~ *their* activities ~~{-}~~ *and the activities of the Nevada Office.*

2. Report to the Governor and the Legislature before September 1 of any year preceding a regular session of the Legislature, setting forth in detail the transactions conducted by ~~{it}~~ *the Commissioners and the Nevada Office* during the biennium ending June 30 of such year.

3. Make recommendations for any legislative action deemed by ~~{it}~~ *the Commissioners to be* advisable, including amendments to the statutes which may be necessary to carry out the intent and purposes of the Compact between the signatory states.

Sec. 24. NRS 223.700 is hereby amended to read as follows:

223.700 1. There is hereby created within the Office of the Governor the Nevada Office of the Western ~~{Regional}~~ *Interstate Commission for Higher Education .* ~~{Compact}~~

2. The Governor shall propose a budget for the Nevada Office of the Western ~~{Regional}~~ *Interstate Commission for Higher Education .* ~~{Compact}~~

3. The Governor shall appoint a Director of the Nevada Office of the Western ~~{Regional}~~ *Interstate Commission for Higher Education .* ~~{Compact}~~ The Director is in the unclassified service of the State and serves at the pleasure of the Governor.

4. The Director may, within the limits of available money, employ such additional personnel as may be required to carry out the duties of the Nevada Office of the Western ~~{Regional}~~ *Interstate Commission for Higher Education ,* ~~{Compact}~~ who must be in the classified service of the State.

Sec. 25. The amendatory provisions of this act do not apply to:

1. Any contract entered into before July 1, 2021, involving a loan made pursuant to NRS 397.063 or 397.064.

2. Any contract involving a stipend received by a participant before July 1, 2021, which:

(a) The participant must repay pursuant to NRS 397.0653; or

(b) Is converted into a loan pursuant to NRS 397.0617.

Sec. 26. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency

remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 27. 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. 28. NRS 397.050, 397.0617, 397.065, 397.0653, 397.0655, 397.066 and 397.067 are hereby repealed.

Sec. 29. This act becomes effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

397.050 Western Regional Higher Education Compact Account: Creation; uses of money in Account.

397.0617 Condition to receipt of support fee: Requirement that certain participants practice profession in health professional shortage area, medically underserved area or to benefit medically underserved population; waiver of stipend for compliance with condition; assessment of default charge or conversion of stipend to loan for noncompliance.

397.065 Repayment of state's contributions for stipends by participant who received stipend before July 1, 1995.

397.0653 Repayment of stipends received on or after July 1, 1995; exceptions.

397.0655 Delegation of negotiation of terms of repayment.

397.066 Insurance as security for stipend or loan; joint liability on stipend or loan.

397.067 Conditions under which immediate repayment of loan may be required.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

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

Amendment No. 126.

~~{ASSEMBLYWOMAN}~~ **ASSEMBLYWOMEN JAUREGUI ; HARDY**

SUMMARY—Revises provisions relating to insurance ~~{which provides for the payment of expenses not covered by}~~ **to supplement** Medicare. (BDR 57-142)

AN ACT relating to insurance; requiring the establishment of an open enrollment period for a ~~{policy of insurance which provides for the payment of certain expenses which are not covered by}~~ Medicare ~~{,}~~ **supplemental policy;** prohibiting an insurer issuing such a policy from taking certain actions during the open enrollment period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) **Existing federal regulations define the term "Medicare supplemental policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare because of certain limitations under Medicare. (42 C.F.R. § 403.205)** Existing state law authorizes the Commissioner of Insurance to adopt regulations relating to the form, content and sale of policies of insurance which provide for the payment of expenses which are not covered by Medicare ~~{,}~~ **, including Medicare supplemental policies.** (NRS 687B.430) **Sections 1, 3 and 4** of this bill require an insurer offering a ~~{policy of insurance which provides for the payment of expenses which are not covered by}~~ Medicare ~~{, including}~~ **supplemental policy or** the Public Employees' Benefits Program ~~{and}~~ **or** any local government that provides ~~{such}~~ a **similar** policy for ~~{its}~~ **public** employees ~~{,}~~ to offer an open enrollment period for persons covered by such policies, during which the insurer **or governmental entity** is prohibited from placing certain restrictions on the issuance of such a policy. **Section 2** of this bill makes a conforming change to apply the provisions of **section 1** to nonprofit hospital and medical or dental service corporations that issue such policies.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~An insurer that issues a policy of insurance which provides for the payment of expenses which are not covered by~~ Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may ~~enroll in any policy of insurance which provides for the payment of expenses which are not covered by~~ purchase any Medicare supplemental policy made available by the insurer in this State ~~that~~ that includes the same or lesser benefits, including, without limitation, innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), as the policy under which the person is currently insured.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a ~~policy of insurance which provides for the payment of expenses which are not covered by~~ Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1.

3. At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the beginning of that period, an insurer that issues a ~~policy of insurance which provides for the payment of expenses which are not covered by~~ Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:

(a) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and

(b) Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.

4. As used in this section, ~~“Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.~~ “Medicare supplemental policy” has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

Sec. 2. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270,

687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, **and section 1 of this act**, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term “insurer.”

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, **section 1 of this act**, 689B.030 to 689B.050, inclusive, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 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 687B.409, **section 1 of this act**, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 5. 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. 6. This act becomes effective on ~~July~~ January 1, ~~2021~~ 2022.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 252.

ASSEMBLYWOMEN ANDERSON, BRITTNEY MILLER AND CONSIDINE

JOINT SPONSOR: SENATOR D. HARRIS

AN ACT relating to education; requiring the board of trustees of a school district or the governing body of a charter school to ensure that instruction is provided to certain pupils on the history and contributions of certain groups of persons; revising provisions relating to the selection of instructional materials by the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study. (NRS 389.520) **Section 1** of this bill requires the board of trustees of a school district or the governing body of a charter school to ensure that instruction is provided to pupils enrolled in kindergarten through grade 12 on the history and contributions to science, the arts and humanities of certain groups of persons. **Section 1** requires such instruction to be: (1) included in the standards of content and performance established by the Council; (2) age-appropriate; and (3) included in one or more courses of study for which the Council has established relevant standards of content and performance.

Under existing law, the State Board of Education is required to make the final decision on the use of all textbooks in the public schools in this State. (NRS 389.850) **Section 2** of this bill prohibits the State Board from selecting instructional materials, including, without limitation, a textbook, for use in the public schools unless the instructional materials accurately portray the history and contributions to science, the arts and humanities of the groups of persons described in **section 1**.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school shall ensure that instruction is provided to pupils enrolled in kindergarten through grade 12 in each public school within the school district or in the charter school, as applicable, on the history and contributions to science, the arts and humanities of:

- (a) Native Americans and Native American tribes;**
- (b) Persons of marginalized sexual orientation or gender identity;**
- (c) Persons with disabilities;**
- (d) Persons from various racial and ethnic backgrounds, including, without limitation, persons who are African-American, Basque, Hispanic or Asian or Pacific Islander;**
- (e) Persons from various socioeconomic statuses;**
- (f) Immigrants or refugees;**
- (g) Persons from various religious backgrounds; and**
- (h) Any other group of persons the board of trustees of a school district or the governing body of a charter school deems appropriate.**

2. The standards of content and performance for the instruction required by subsection 1 must be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520. The instruction required by subsection 1 must be:

- (a) Age-appropriate; and**
- (b) Included within one or more courses of study for which the Council has established the relevant standards of content and performance.**

Sec. 2. NRS 389.850 is hereby amended to read as follows:

389.850 1. The State Board shall make the final selection of all textbooks to be used in the public schools in this State, except for charter schools. If a textbook proposed for selection is in a subject area for which standards of content have been established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520, the State Board shall not select the textbook unless the State Board determines that the textbook adequately supports the standards for that subject area.

2. A textbook must not be selected by the State Board pursuant to subsection 1 for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.

3. Instructional materials, including, without limitation, a textbook, must not be selected by the State Board pursuant to subsection 1 for use in the public schools unless the State Board determines that the instructional materials accurately portray the history and contributions to science, the arts and humanities of the groups of persons described in section 1 of this act.

Sec. 3. 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. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2022, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 132.

AN ACT relating to mental health; creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing each mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a regional mental health consortium in each county whose population is 100,000 or more (currently Clark and Washoe Counties) and one regional mental health consortium in the region that comprises all other counties. (NRS 433B.333) **Section 2** of this bill creates a statewide mental health consortium to represent each mental health consortium that represents a particular region. **Section 2** also prescribes the membership of the statewide mental health consortium. **Section 4** of this bill prescribes the powers and duties of the statewide mental health consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.

Existing law requires each mental health consortium to prepare and submit to the Director of the Department of Health and Human Services a long term strategic plan for the provision of mental health services to children with emotional disturbance within the jurisdiction of the consortium and certain other materials relating to the plan. (NRS 433B.335) **Section 3** of this bill exempts the statewide mental health consortium from this requirement. **Sections 1 and 5** of this bill make conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit such a recommended plan.

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 6** of this bill authorizes the statewide mental health consortium and each regional

mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature. **Section 7** of this bill makes a conforming change by indicating the proper placement of **section 6** in the Nevada Revised Statutes.

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

Section 1. NRS 433.317 is hereby amended to read as follows:

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations ~~for each mental health consortium~~ submitted **by mental health consortia** pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health services to children.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 2. NRS 433B.333 is hereby amended to read as follows:

433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:

(a) A county whose population is 100,000 or more; and
(b) The region consisting of all counties whose population are less than 100,000.

2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division;
(b) A representative of the agency which provides child welfare services;
(c) A representative of the Division of Health Care Financing and Policy of the Department;
(d) A representative of the board of trustees of the school district in the county;
(e) A representative of the local juvenile probation department;
(f) A representative of the local chamber of commerce or business community;
(g) A private provider of mental health care;
(h) A provider of foster care;
(i) A parent of a child with an emotional disturbance; and
(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:

- (a) A representative of the Division of Public and Behavioral Health of the Department;
- (b) A representative of the agency which provides child welfare services in the region;
- (c) A representative of the Division of Health Care Financing and Policy of the Department;
- (d) A representative of the boards of trustees of the school districts in the region;
- (e) A representative of the local juvenile probation departments;
- (f) A representative of the chambers of commerce or business community in the region;
- (g) A private provider of mental health care;
- (h) A provider of foster care;
- (i) A parent of a child with an emotional disturbance; and
- (j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

4. A statewide mental health consortium is hereby established to represent all mental health consortia established pursuant to subsection 1. The statewide mental health consortium must consist of:

(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate ~~a Deputy Administrator~~ an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.

(b) The following voting members:

(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;

(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and

(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.

(c) The following voting members appointed by the mental health consortium established pursuant to subsection 1 of which they are a member:

(1) Not more than three members from each mental health consortium established pursuant to subsection 1; and

(2) In addition to the members appointed pursuant to subparagraph (1), a parent of a child with an emotional disturbance from each mental health consortium established pursuant to subsection 1.

Sec. 3. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established pursuant to ***subsection 1 of*** NRS 433B.333 shall prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after

the date of submission, and each consortium *established pursuant to subsection 1 of NRS 433B.333* shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium *established pursuant to subsection 1 of NRS 433B.333* must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium ***established pursuant to subsection 1 of NRS 433B.333*** shall submit to the Director of the Department and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health consortium ~~+~~ ***established pursuant to subsection 1 of NRS 433B.333***. On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium ***established pursuant to subsection 1 of NRS 433B.333*** a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each consortium ***established pursuant to subsection 1 of NRS 433B.333*** shall submit to the Director of the Department and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 4. NRS 433B.337 is hereby amended to read as follows:

433B.337 1. A mental health consortium established by ***subsection 1 of NRS 433B.333*** may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.

2. *The statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333 shall:*

(a) *Represent all mental health consortia established pursuant to subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.*

(b) *Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.*

(c) *Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-occurring disorders and develop ways to improve the treatment currently provided.*

(d) *Take any other action necessary to promote the mental health of children in this State.*

3. *The statewide mental health consortium may:*

(a) *Create a document that consolidates the strategies, goals and services created in the plan created by each mental health consortium pursuant to NRS 433B.335.*

(b) *Take such other action as is necessary to represent all mental health consortia established pursuant to subsection 1 of NRS 433B.333.*

4. To the extent practicable, a mental health consortium shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

Sec. 5. NRS 433B.339 is hereby amended to read as follows:

433B.339 1. A mental health consortium established by NRS 433B.333 may:

(a) Enter into contracts and agreements to carry out the provisions of this section, ~~and~~ NRS ~~433B.335 and~~ 433B.337 ~~+~~ and, *if applicable, NRS 433B.335; and*

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section, ~~and~~ NRS ~~433B.335 and~~ 433B.337 ~~+~~ *and, if applicable, NRS 433B.335.*

2. Any money collected pursuant to subsection 1:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section, ~~and NRS 433B.335 and 433B.337~~ **and, if applicable, NRS 433B.335.**

3. The Administrator shall administer the account maintained for each consortium.

4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.

5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.

Sec. 6. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333 and each mental health consortium established pursuant to subsection 1 of NRS 433B.333 may request the drafting of 1 legislative measure which relates to matters within the scope of the consortium.

2. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 7. 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 6 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 6 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 6 of this act** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) 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.

(b) 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.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 284.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 144.

AN ACT relating to statutory liens; providing a procedure to contest the validity of a lien on a motor vehicle; requiring that certain additional information be provided in a notice of lien on a motor vehicle; providing for the expiration of a lien on a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to contest the validity of a lien on a mobile home or manufactured home. (NRS 108.355) **Section 1** of this bill establishes a similar procedure for a person to contest the validity of a lien on a motor vehicle. Existing law requires that a notice of lien on a mobile home or manufactured home must include: (1) the amount necessary to satisfy the lien; and (2) a description of the legal proceedings available to contest the lien. (NRS 108.2725) **Section 3** of this bill requires that similar information be included in a notice of lien on a motor vehicle.

Under existing law, a lien on a mobile home or manufactured home expires 1 year after the lien is filed with the Housing Division of the Department of Business and Industry. (NRS 108.2735) **Section 4** of this bill provides that a lien on a motor vehicle expires 6 months after the lien is filed with the Department of Motor Vehicles.

The provisions of this bill do not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity.

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

Section 1. Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1.4~~ *Except as otherwise provided in subsection 5, a person contesting the validity of a lien on a motor vehicle may file a notice of opposition to the lien in the justice court in whose jurisdiction the registered owner of the motor vehicle lives. A person may file a notice of opposition at any time after receiving a notice of lien and must include the facts supporting the opposition. The person filing the notice shall serve copies of the notice upon the lien claimant and the Department of Motor Vehicles.*

2. *Upon the filing of the notice of opposition to the lien, the justice of the peace shall schedule a hearing on the notice, which must be held not later than 14 calendar days after service of the notice but not sooner than 5*

calendar days after service of the notice. The justice of the peace shall affix the date of the hearing to the notice and order that a copy be served upon the lien claimant within 5 calendar days after the date of the order.

3. *The justice of the peace shall dismiss the objections to the lien claim, declare the lien invalid or declare the amount of the lien if the amount of the lien is different from that described by the lien claimant.*

4. *After receipt of a notice of opposition to a lien or other notice pursuant to any proceeding to contest the validity of a lien on a motor vehicle, the Department of Motor Vehicles shall not transfer the title to the motor vehicle that is subject to the lien until the matter has been adjudicated.*

5. *This section does not ~~apply to~~ :*

(a) Affect the rights of a secured party pursuant to chapter 104 of NRS.

(b) Apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity issued pursuant to NRS 706.4463.

Sec. 2. NRS 108.265 is hereby amended to read as follows:

108.265 As used in NRS 108.265 to 108.367, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 108.266 to 108.26795, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 108.2725 is hereby amended to read as follows:

108.2725 1. In addition to the requirements set forth in NRS 108.272, the notice of a lien on a mobile home or manufactured home must include:

~~1-1~~ (a) The amount necessary to satisfy the lien; and

~~1-2~~ (b) A description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and 108.355.

2. ~~1-4~~ *Except as otherwise provided in this subsection, in addition to the requirements set forth in NRS 108.272, the notice of a lien on a motor vehicle must include:*

(a) The amount necessary to satisfy the lien; and

(b) A description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and section 1 of this act.

↪ This subsection does not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity issued pursuant to NRS 706.4463.

Sec. 4. NRS 108.2735 is hereby amended to read as follows:

108.2735 1. A lien asserted against a mobile home or manufactured home expires 1 year after ~~the~~ *the lien* is filed with the Housing Division of the Department of Business and Industry.

2. ~~1-4~~ *Except as otherwise provided in this subsection, a lien asserted against a motor vehicle expires 6 months after the lien is filed with the Department of Motor Vehicles. This subsection does not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity issued pursuant to NRS 706.4463.*

Sec. 5. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 307.

~~ASSEMBLYMAN~~ ASSEMBLYMEN ROBERTS AND JAUREGUI

AN ACT relating to education; requiring the College of Southern Nevada to establish a pilot program to enhance opportunities for pupils to enroll in dual credit courses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pupil enrolled in high school to enroll in a dual credit course. (NRS 389.300) Existing law requires each school district and charter school to enter into cooperative agreements with one or more community colleges, state colleges and universities to offer dual credit courses to pupils. (NRS 389.310) This bill establishes a pilot program for dual credit courses at the College of Southern Nevada. **Section 1** of this bill requires the College of Southern Nevada to enter into one or more cooperative agreements in accordance with existing law to offer a pilot program for dual credit courses. **Section 1** requires the cooperative agreement to include: (1) strategies to expand opportunities for enrollment in dual credit courses for certain pupils; (2) a plan to promote enrollment in dual credit courses through the pilot program; and (3) a system of instruction by which a pupil who participates in the pilot program may earn at least 15 college credits. **Section 2** of this bill requires the College of Southern Nevada and the board of trustees of a school district and governing body of a charter school that enters into a cooperative agreement pursuant to **section 1** to submit a report containing certain information related to the pilot program to: (1) the Governor; (2) the State Board of Education; (3) the Board of Regents of the University of Nevada; and (4) the Legislative Committee on Education. **Section 3** of this bill authorizes the College of Southern Nevada to apply for and accept any gift, donation, bequest, grant or other source of money to administer the pilot program. **Section 5** of this bill provides that the pilot program created by this bill expires by limitation on June 30, 2023.

WHEREAS, Dual credit courses represent an essential strategy in the statewide effort to develop a skilled and competitive workforce by increasing the number of Nevadans who are ready for college or a career upon graduation from high school and who successfully attain a postsecondary credential, certificate or degree; and

WHEREAS, It is a strategic priority for this State to increase the number of persons who complete a postsecondary credential, certificate or degree, especially in high-demand occupations; and

WHEREAS, It is in the interest of this State to enhance existing programs for dual credit courses whereby a pupil in high school may earn college credit for courses taken in high school; and

WHEREAS, Expanding the opportunity to participate in dual credit courses will allow dual credit courses to serve a broader range of pupils in this State, including, without limitation, pupils who are part of underserved or at-risk communities and communities with historically low rates of participation in postsecondary education; and

WHEREAS, Successful implementation of dual credit courses requires partnership and collaboration between public schools and the Nevada System of Higher Education; and

WHEREAS, A pilot program using the dual credit program at the College of Southern Nevada can be used to increase opportunities for certain pupils within the service area of the College of Southern Nevada; and

WHEREAS, The purpose of the pilot program described in this act is to provide a model for achieving the strategic objectives of this State relating to postsecondary education by enhancing the opportunities for enrollment in dual credit courses available to pupils in this State; now, therefore,

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

Section 1. 1. The College of Southern Nevada shall enter into one or more cooperative agreements in accordance with the provisions of NRS 389.310 to develop, create and administer a pilot program to offer enhanced opportunities for pupils to enroll in dual credit courses including, without limitation, dual credit courses offered through a concurrent enrollment model. The cooperative agreement must include, without limitation:

(a) Strategies to expand opportunities for enrollment in dual credit courses for pupils who are:

- (1) Part of underserved populations;
- (2) At-risk;
- (3) Interested in postsecondary education but may need remedial courses in mathematics or English language arts; and
- (4) Interested in pursuing a program of career and technical education in a high-demand occupation;

(b) A plan to promote enrollment in dual credit courses through the pilot program in public schools that are within the service region of the College of Southern Nevada, including, without limitation, the manner by which:

- (1) Pupils and the parents or legal guardians of pupils will be informed of the pilot program as an educational option and mechanism for acceleration of opportunities for postsecondary education; and

(2) The College of Southern Nevada and the board of trustees of a school district or governing body of a charter school that entered into a cooperative agreement pursuant to this section will ensure timely and efficient access to libraries and support services including, without limitation, academic advising, counseling, tutoring and career planning services for pupils enrolled in the pilot program in order to address the progress of a pupil in the academic program established for the pupil pursuant to paragraph (d) of subsection 2 of NRS 389.310; and

(c) A system of instruction by which a pupil who participates in the pilot program may earn at least 15 college credits while still enrolled in high school.

2. The College of Southern Nevada may extend enrollment in remedial courses pursuant to subparagraph (3) of paragraph (a) of subsection 1 to a pupil who does not otherwise meet any requirements for eligibility to enroll in the pilot program delineated in the cooperative agreement.

3. As used in this section:

(a) “At-risk” means a pupil who has an economic or academic disadvantage such that he or she requires special services and assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are English learners, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

(b) “Concurrent enrollment model” means the teaching of courses in a dual credit program:

(1) Principally in a high school classroom during the regular school day, either in a traditional setting or virtually;

(2) By a teacher employed at a high school who is approved to teach a dual credit course by a community college, state college or university; and

(3) To pupils who earn both high school and college credit for a course pursuant to a cooperative agreement between a high school and a community college, state college or university.

Sec. 2. 1. On or before August 1, 2022, the College of Southern Nevada and the board of trustees of a school district and governing body of a charter school that enters into a cooperative agreement pursuant to section 1 of this act shall submit a report with its findings and any recommendations relating to the pilot program established pursuant to section 1 of this act or for expanding opportunities for enrollment dual credit courses in this State to:

(a) The Governor;

(b) The State Board of Education;

(c) The Board of Regents of the University of Nevada; and

(d) The Legislative Committee on Education.

2. The report submitted pursuant to subsection 1 must include:

(a) Data on pupil participation and completion of dual credit courses in the pilot program; and

(b) The revenues and expenditures attributable to the activities of the pilot program for the immediately preceding school year.

Sec. 3. The College of Southern Nevada may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of sections 1 and 2 of this act.

Sec. 4. 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. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

(b) On July 1, 2021, for all other purposes.

3. Sections 1, 2 and 3 of this act expire by limitation on June 30, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 297.

AN ACT relating to records; authorizing the submission of a certified paper copy of an electronic document to certain county recorders; prescribing a certificate sufficient for certifying that a paper copy is a true and correct copy of an electronic document; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county recorder to receive, record and index certain documents. Such documents must generally be submitted to a county recorder as a paper document. (Chapter 247 of NRS) Existing law authorizes a county recorder to receive, record, store, index, archive and transmit electronic documents in addition to paper documents. (NRS 111.366-111.3697, 247.115) **Section 1** of this bill authorizes the submission of a certified paper copy of an electronic document for recording to a county recorder who has elected to receive and record electronic documents. **Section 2** of this bill prescribes a certificate sufficient for certifying that a paper copy is a true and correct copy of an electronic document. ~~[Section 3]~~ **Sections 4-6** of this bill ~~[makes a]~~ **make** conforming ~~[change]~~ **changes** to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

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

Section 1. Chapter 247 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a law requires, as a condition for recording, that a document:

(a) Be an original, be on paper or another tangible medium, or be in writing; or

(b) Be signed,

↪ the requirement is satisfied by a certified paper copy of an electronic document that satisfies the provisions of NRS 111.366 to 111.3697, inclusive.

2. This section allows a person to submit a certified paper copy of an electronic document for recording only if a county recorder has elected to accept electronic documents for recording pursuant to NRS 247.115.

Sec. 2. Chapter 240 of NRS is hereby amended by adding thereto a new section to read as follows:

Upon compliance with the requirements of NRS ~~240.1655~~ 240.199, the following certificate is sufficient for certifying that a paper document is a true and correct copy of an electronic document:

State of Nevada

County of

I certify that this is a true and correct copy of an electronic document printed by me or under my supervision. I further certify that, at the time of printing, no security features present on the electronic document indicated any changes or errors in an electronic signature or other information in the electronic document since its creation or execution.

Dated

.....
(Signature of notarial officer)

(Seal, if any)

.....
(Title and rank (optional))

Sec. 3. ~~NRS 240.161 is hereby amended to read as follows:~~

~~240.161 1. NRS 240.161 to 240.169, inclusive, and section 2 of this act may be cited as the Uniform Law on Notarial Acts.~~

~~2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them. (Deleted by amendment.)~~

Sec. 4. NRS 240.181 is hereby amended to read as follows:

240.181 NRS 240.181 to 240.206, inclusive, **and section 2 of this act** may be cited as the Electronic Notarization Enabling Act.

Sec. 5. NRS 240.182 is hereby amended to read as follows:

240.182 As used in NRS 240.181 to 240.206, inclusive, and section 2 of this act, unless the context otherwise requires, the words and terms defined in NRS 240.1821 to 240.1882, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. 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 section 2 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 section 2 of this act, the provisions of NRS 240.181 to 240.206, inclusive, and section 2 of this act control.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 338.

Bill read second time and ordered to third reading.

Assembly Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 156.

~~ASSEMBLYWOMAN~~ ASSEMBLYWOMEN THOMAS AND KRASNER

SUMMARY—Authorizes the establishment of a program to facilitate transition of the care of older persons and ~~vulnerable~~ persons ~~and~~ with disabilities. (BDR 38-743)

AN ACT relating to public welfare; authorizing the establishment of a program to facilitate the transition of older persons and ~~vulnerable~~ persons with disabilities being discharged from a hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to administer certain programs to serve elderly persons and persons with disabilities. (NRS 427A.040) This bill authorizes the Division to establish a program to facilitate the transition of older persons and ~~vulnerable~~ persons with disabilities from a hospital to their places of residence. This bill requires the program to: (1) provide for collaboration between hospital staff responsible for a discharge and the older person or ~~vulnerable~~ person with a disability being discharged and his or her caregivers; and (2) facilitate the coordination of health care and social services for an older person or ~~vulnerable~~ a person ~~and~~ with a disability.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available for this purpose, the Division may establish by regulation a program to facilitate the transition of older persons and ~~vulnerable~~ persons with disabilities from a hospital to their places of residence. The program must:

(a) Provide for collaboration between:

(1) Hospital staff who are responsible for discharging an older person or ~~vulnerable~~ a person ~~+~~ with a disability; and

(2) The older person or ~~vulnerable~~ person with a disability and any caregivers or other persons assisting the older person or ~~vulnerable~~ person ~~+~~ with a disability; and

(b) Facilitate the coordination of health care and social services to support the older person or ~~vulnerable~~ person with a disability and any caregivers or other persons assisting the older person or ~~vulnerable~~ person ~~+~~ with a disability.

2. The Division may:

(a) Limit the program established pursuant to this section to particular groups of older persons or ~~vulnerable~~ persons ~~+~~ with disabilities within the limits of available funding;

(b) Accept gifts, grants and donations for the purpose of establishing and operating the program; and

(c) Use other options available to fund the program, including, without limitation, billing third parties for the services provided by the program ~~+~~ to persons currently covered by the third parties.

3. As used in this section:

(a) “Older person” means a person who is 60 years of age or older.

(b) “Person with a disability” means:

(1) A person with a physical disability, as defined in NRS 427A.1222;

(2) A person with a related condition, as defined in NRS 427A.1224; or

(3) A person with an intellectual disability, as defined in NRS 427A.1226.

(c) “Third party” means:

(1) An insurer, as defined in NRS 679B.540;

(2) A health benefit plan, as defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;

(3) A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(4) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

↪ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

~~† (c) “Vulnerable person” means a person 18 years of age or older who:~~

~~— (1) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or~~

~~— (2) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.†~~

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) 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

(b) On October 1, 2021, for all other purposes.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 351.

Bill read second time and ordered to third reading.

Assembly Bill No. 357.

Bill read second time and ordered to third reading.

Assembly Bill No. 362.

Bill read second time and ordered to third reading.

Assembly Bill No. 365.

Bill read second time and ordered to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 146.

AN ACT relating to criminal justice; requiring the Executive Director of the Department of Sentencing Policy to assist the Nevada Sentencing Commission in carrying out certain duties; revising provisions relating to certain reports prepared by the Commission; authorizing the Commission to adopt qualifications for members of the Nevada Local Justice Reinvestment Coordinating Council; revising provisions concerning reports of presentence investigations; revising provisions relating to parolees and probationers; removing and replacing certain obsolete terminology; revising provisions concerning the embezzlement of a vehicle and certain marijuana-related

offenses; repealing provisions relating to inquiries to determine probable cause when a probationer is in custody for a violation of a condition of probation; repealing provisions requiring the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety to adopt standards to assist in formulating a recommendation concerning the granting of probation or the revocation of parole or probation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Nevada Sentencing Commission (hereinafter “Commission”) to develop a formula to calculate the amount of costs avoided by the State each fiscal year as a result of the enactment of Assembly Bill No. 236 of the 2019 Legislative Session, which made various changes to criminal law and criminal procedure. Existing law requires the Commission to: (1) use the formula each fiscal year to calculate the costs avoided by the State during the immediately preceding fiscal year; and (2) prepare a biennial report containing the projected amount of costs avoided for the next biennium and recommendations for the reinvestment of the amount of those costs. (NRS 176.01347) **Section 1** of this bill requires the Executive Director of the Department of Sentencing Policy to assist the Commission in carrying out such requirements relating to the use of the formula and the preparation of a biennial report. **Section 5** of this bill makes a conforming change to require the Commission to carry out such duties with the assistance of the Department of Sentencing Policy (hereinafter “Department”).

Existing law imposes various duties on the Commission, including a requirement that the Commission, with the assistance of the Department, prepare a biennial report that includes the Commission’s recommended changes pertaining to sentencing, its findings and any recommendations for proposed legislation and submit the report to the Governor and the Legislature. (NRS 176.0134) Existing law also requires the Commission to prepare and submit a biennial report to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court that includes recommendations for improvements, changes and budgetary adjustments. The Commission is also authorized to include in the report additional recommendations for future legislation and policy options to enhance public safety and control corrections costs. (NRS 176.01343) **Section 2** of this bill combines such requirements so the Commission is required to prepare one biennial report that is submitted to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court. **Section 2** establishes the information to be included in such a report, and **section 4** of this bill makes a conforming change to remove the language referencing the additional report.

Existing law establishes the Nevada Local Justice Reinvestment Coordinating Council (hereinafter “Council”), consisting of members appointed by the governing bodies of counties. (NRS 176.014) **Section 6** of this bill authorizes the Commission to adopt any qualifications that a person

must meet before being appointed as a member of the Council and requires each member of the Council to meet any such qualifications.

Existing law provides that a defendant convicted of a sexual offense and sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision if, among other criteria, the offender has been determined to be not likely to pose a threat to the safety of others. (NRS 176.0931) Existing law requires such a determination to be made by a person professionally qualified to conduct psychosexual evaluations who meets certain statutory requirements, including being licensed in this State. (NRS 176.0931, 176.133) Section 6.5 of this bill allows such a determination to be made by any licensed, clinical professional who has received training in the treatment of sexual offenders.

Existing law requires that reports of presentence investigations include certain specific information and any other information the court requires. (NRS 176.145) **Section 7** of this bill removes the provision concerning other information the court requires to provide uniformity in the information contained in reports of presentence investigations.

Existing law requires the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety (hereinafter “Chief”) to adopt standards to assist in formulating a recommendation concerning the granting of probation to an eligible convicted person or the revocation of parole or probation of a convicted person. (NRS 213.10988) Existing law also requires a court to consider such standards and the recommendation of the Chief in determining whether to grant probation to an eligible convicted person. (NRS 176A.100) **Section 35** of this bill repeals the provision requiring the Chief to adopt such standards, and **sections 9 and 15** of this bill accordingly remove the requirement that a court consider such standards when determining whether to grant probation to an eligible convicted person.

Existing law requires an inquiry to determine probable cause to be conducted before a probationer who is in custody for a violation of a condition of probation is returned to court for the violation and establishes provisions relating to such an inquiry. (NRS 176A.580-176A.610) Existing law authorizes the Chief to order such a probationer to be placed in residential confinement instead of detention in a county jail pending such an inquiry. (NRS 176A.530) **Section 35** repeals such provisions, and **sections 13, 14 and 20** of this bill make conforming changes to remove references to such an inquiry.

Existing law requires the Division of Parole and Probation of the Department of Public Safety (hereinafter “Division”) to adopt a written system of graduated sanctions for parole and probation officers to use when a parolee or probationer commits a technical violation of parole or probation, as applicable. (NRS 176A.510) **Section 12** of this bill removes references to parole and parolees from such provisions to make the provisions applicable

only to probation and probationers, and **section 21** of this bill establishes a new section that applies only to parole and parolees. **Sections 22 and 27** of this bill make conforming changes to indicate the placement of **section 21** within the Nevada Revised Statutes. Existing law also generally requires the Division to administer a risk and needs assessment to each parolee and probationer under the supervision of the Division for the purpose of establishing a level of supervision and develop an individualized case plan for each parolee and probationer. (NRS 213.1078) **Section 23** of this bill removes references to probation and probationers from such provisions to make the provisions applicable only to parole and parolees, and **section 8** of this bill establishes a new section that applies only to probation and probationers.

Sections 3, 10, 11, 13, 16-18, 24-26 and 28-31 of this bill remove the use of the obsolete terms “intensive supervision” and “strict supervision” in the Nevada Revised Statutes with regard to the supervision of probationers and parolees and replace such terms with the term “enhanced supervision.”

Existing law provides that there is a reasonable inference that a person has embezzled a vehicle if the person leased or rented the vehicle and willfully and intentionally failed to return the vehicle to its owner within 72 hours after the lease or rental agreement expired. (NRS 205.312) Existing law provides that a person who is guilty of embezzlement is punished in the manner prescribed by law for the stealing or larceny of property of the kind and name of the money, goods, property or effects taken, converted, stolen used or appropriated. (NRS 205.300) Existing law also provides that a person who commits an offense involving a stolen vehicle is guilty of a category C felony and is additionally required to pay restitution. (NRS 205.273) **Section 19** of this bill specifies that a person who is convicted of embezzling a vehicle is also guilty of a category C felony and is additionally required to pay restitution.

Existing law generally provides that a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor for the first or second offense, a gross misdemeanor for the third offense and a category E felony for the fourth or subsequent offense, and a person who knowingly or intentionally sells, manufactures, delivers or brings into this State, or who is knowingly or intentionally in actual or constructive possession of, 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis is guilty of a category C felony. (NRS 453.336, 453.339) Existing law exempts a person who is 21 years of age or older from state prosecution for the possession, delivery or production of 1 ounce or less of usable cannabis or one-eighth of an ounce of concentrated cannabis. (NRS 678D.200) **Section 32** of this bill generally provides that a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis, is guilty of a category E felony.

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

Section 1. NRS 176.01327 is hereby amended to read as follows:

176.01327 The Executive Director appointed pursuant to NRS 176.01323 shall:

1. Oversee all of the functions of the Department.
2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.
3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Department and provide such information to the Sentencing Commission as requested.
4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Department.
5. Establish the budget for the Department.
6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.
7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.
8. Assist in preparing and submitting the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection 11 of NRS 176.0134.
9. *Assist the Sentencing Commission in carrying out its duties pursuant to subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and the preparation of a report containing the projected amount of such costs for the next biennium and recommendations for the reinvestment of the amount of the costs.*

10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0134 is hereby amended to read as follows:

176.0134 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. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including ~~the~~ ***the Sentencing Commission's:***

(a) ~~The Sentencing Commission's recommended~~ ***Recommended*** changes pertaining to sentencing; ~~and~~

(b) ~~The Sentencing Commission's findings and any recommendations~~ ***Findings;***

(c) ***Recommendations*** for proposed legislation ~~the~~ ;

(d) ***Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;***

(e) ***Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;***

(f) ***Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;***

(g) ***Recommendations for improvements, changes and budgetary adjustments; and***

(h) ***Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.***

12. Submit the report prepared pursuant to subsection 11 *not later than January 15 of each odd-numbered year* to:

- (a) The Office of the Governor; ~~and~~
- (b) The Director of the Legislative Counsel Bureau for distribution to the Legislature ~~[not later than January 1 of each odd-numbered year]~~; and
- (c) ***The Chief Justice of the Nevada Supreme Court.***

Sec. 3. NRS 176.0134 is hereby amended to read as follows:

176.0134 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 *enhanced* 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. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

- (a) Recommended changes pertaining to sentencing;
 - (b) Findings;
 - (c) Recommendations for proposed legislation;
 - (d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;
 - (e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;
 - (f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;
 - (g) Recommendations for improvements, changes and budgetary adjustments; and
 - (h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.
12. Submit the report prepared pursuant to subsection 11 not later than January 15 of each odd-numbered year to:
- (a) The Office of the Governor;
 - (b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and
 - (c) The Chief Justice of the Nevada Supreme Court.

Sec. 4. NRS 176.01343 is hereby amended to read as follows:

176.01343 1. The Sentencing Commission shall:

- (a) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data from the Department of Corrections:
 - (1) With respect to prison admissions:
 - (I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;
 - (II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and
 - (III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.
 - (2) With respect to parole and release from prison:
 - (I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;
 - (II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender

identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019, as calculated pursuant to NRS 176.01347; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) ~~Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and~~

~~may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.~~

~~—(g)—~~ Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) “Technical violation” has the meaning ascribed to it in NRS 176A.510.

(b) “Type of admission” means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) “Type of offense” means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

Sec. 5. NRS 176.01347 is hereby amended to read as follows:

176.01347 1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019. The formula must include, without limitation, a comparison of:

(a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018; and

(b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.

2. Not later than December 1 of each fiscal year, the Sentencing Commission shall , *with the assistance of the Department*, use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall , *with the assistance of the Department*, prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of chapter 633, Statutes of Nevada 2019, and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Sentencing Commission shall prioritize providing financial support to:

(a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work programs for offenders;

(b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;

(c) Any behavioral health field response grant program developed and implemented pursuant to NRS 289.675;

(d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and

(e) The Nevada Local Justice Reinvestment Coordinating Council created by NRS 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 6. NRS 176.014 is hereby amended to read as follows:

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county ~~and~~ **and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection 7.** The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of Chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council 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 Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

7. *The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council.*

Sec. 6.5. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a ~~person professionally qualified to conduct psychosexual evaluations,~~ **licensed, clinical professional who has received training in the treatment of sexual offenders,** if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

- (II) A crime against a child as defined in NRS 179D.0357;
- (III) A sexual offense as defined in NRS 179D.097;
- (IV) A deadly weapon, explosives or a firearm;
- (V) The use or threatened use of force or violence;
- (VI) Physical or mental abuse;
- (VII) Death or bodily injury;
- (VIII) An act of domestic violence;
- (IX) Harassment, stalking, threats of any kind or other similar acts;
- (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or
- (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

- (I) A tribal court.
- (II) A court of the United States or the Armed Forces of the United States.

~~(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.~~

~~(c)~~ "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any:

- (1) Prior criminal convictions of the defendant;
- (2) Unresolved criminal cases involving the defendant;
- (3) Incidents in which the defendant has failed to appear in court when his or her presence was required;
- (4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and
- (5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, including whether the information pertaining to the defendant's financial condition has been verified, the circumstances affecting the defendant's behavior and the circumstances of the defendant's

offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and NRS 392.275 to 392.365, inclusive, that relate to the defendant and are made available pursuant to NRS 432B.290 or NRS 392.317 to 392.337, inclusive, as applicable;

(f) The results of any evaluation or assessment of the defendant conducted pursuant to NRS 176A.240, 176A.260, 176A.280 or 484C.300; *and*

(g) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110. ~~}; and~~

~~—(h) Such other information as may be required by the court.}~~

2. The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

- (a) A police report;
- (b) An investigative report filed with law enforcement; or
- (c) Any other source available to the Division.

3. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 8. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the Division shall administer a risk and needs assessment to each probationer under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each probationer and to develop individualized case plans pursuant to subsection 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk

assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.

3. The provisions of subsections 1 and 2 are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

4. The Division shall develop an individualized case plan for each probationer. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer.

5. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.

6. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 9. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the

time of sentencing, it is established that the person had previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony. If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

~~3. [The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.]~~

~~4.]~~ If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of ~~[Intensive]~~ **Enhanced** Supervision established pursuant to NRS 176A.440.

~~5.]~~ **4.** Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

~~6.]~~ **5.** If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 10. NRS 176A.310 is hereby amended to read as follows:

176A.310 1. The court shall set the conditions of a program of probation secured by a surety bond. The conditions must be appended to and made part of the bond. The conditions may include, but are not limited to, any one or more of the following:

(a) Submission to periodic tests to determine whether the probationer is using any controlled substance or alcohol.

(b) Participation in a program for the treatment of the use of a controlled substance or alcohol or a program for the treatment of any other impairment.

(c) Participation in a program of professional counseling, including, but not limited to, counseling for the family of the probationer.

(d) Restrictions or a prohibition on contact or communication with witnesses or victims of the crime committed by the probationer.

(e) A requirement to obtain and keep employment.

(f) Submission to a Program of ~~Intensive~~ **Enhanced** Supervision.

(g) Restrictions on travel by the probationer outside the jurisdiction of the court.

(h) Payment of restitution.

(i) Payment of fines and court costs.

(j) Supervised community service.

(k) Participation in educational courses.

2. A surety shall:

(a) Provide the facilities or equipment necessary to:

(1) Perform tests to determine whether the probationer is using any controlled substance or alcohol, if the court requires such tests as a condition of probation;

(2) Carry out a Program of ~~Intensive~~ **Enhanced** Supervision, if the court requires such a Program as a condition of probation; and

(3) Enable the probationer to report regularly to the surety.

(b) Notify the court within 24 hours after the surety has knowledge of a violation of or a failure to fulfill a condition of the program of probation.

3. A probationer participating in a program of probation secured by a surety bond shall:

(a) Report regularly to the surety; and

(b) Pay the fee charged by the surety for the execution of the bond.

Sec. 11. NRS 176A.440 is hereby amended to read as follows:

176A.440 1. The Chief Parole and Probation Officer shall develop a program for the ~~intensive~~ **enhanced** supervision of a person granted probation pursuant to subsection ~~4~~ **3** of NRS 176A.100.

2. The Program of ~~Intensive~~ **Enhanced** Supervision must include an initial period of electronic supervision of the probationer with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the probationer's activities,

↪ must not be used.

Sec. 12. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation . ~~for parole.~~ The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation . ~~for parole.~~

6. The Division may not seek revocation of probation ~~for parole~~ for a technical violation of the conditions of probation ~~for parole~~ until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

- (a) "Absconding" has the meaning ascribed to it in NRS 176A.630.
- (b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.
- (c) "Technical violation" means any alleged violation of the conditions of probation ~~for parole~~ that does not constitute absconding and is not the commission of a:

- (1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

↪ The term does not include termination from a specialty court program.

Sec. 13. NRS 176A.540 is hereby amended to read as follows:

176A.540 1. ~~The~~ **Except as otherwise provided in subsection 4, the** Chief Parole and Probation Officer may order the residential confinement of a probationer if the Chief Parole and Probation Officer believes that the probationer poses no danger to the community and will appear at a scheduled ~~inquiry or~~ court hearing.

2. In ordering the residential confinement of a probationer, the Chief Parole and Probation Officer shall:

(a) Require the probationer to be confined to the probationer's residence during the time the probationer is away from any employment, community service or other activity authorized by the Division; and

(b) Require ~~intensive~~ **enhanced** supervision of the probationer, including, without limitation, unannounced visits to the probationer's residence or other locations where the probationer is expected to be to determine whether the probationer is complying with the terms of confinement.

3. An electronic device approved by the Division may be used to supervise a probationer who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the probationer's activities,

↪ must not be used.

4. The Chief Parole and Probation Officer shall not order a probationer to be placed in residential confinement unless the probationer agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence.

Sec. 14. NRS 176A.560 is hereby amended to read as follows:

176A.560 1. The Chief Parole and Probation Officer may terminate the residential confinement of a probationer and order the detention of the probationer in a county jail pending ~~an inquiry or~~ a court hearing if:

(a) The probationer violates the terms or conditions of the residential confinement; or

(b) The Chief Parole and Probation Officer, in his or her discretion, determines that the probationer poses a danger to the community or that there is a reasonable doubt that the probationer will appear at the ~~inquiry or~~ hearing.

2. A probationer has no right to dispute a decision to terminate the residential confinement.

Sec. 15. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it ~~it~~ **and** consider the ~~standards adopted pursuant to NRS 213.10988 and~~ system of graduated sanctions adopted pursuant to NRS 176A.510, ~~as if applicable . It, and the recommendation, if any, of the Chief Parole and Probation Officer.~~ Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

- (a) Continue or revoke the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
- (d) Cause the sentence imposed to be executed; or
- (e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:
 - (1) Thirty days for the first temporary revocation;
 - (2) Ninety days for the second temporary revocation; or
 - (3) One hundred and eighty days for the third temporary revocation; or
- (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention,

the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

(a) Continue probation and modify the terms and conditions of probation; or

(b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

(a) Consuming any alcoholic beverage.

(b) Testing positive on a drug or alcohol test.

(c) Failing to abide by the requirements of a mental health or substance use treatment program.

(d) Failing to seek and maintain employment.

(e) Failing to pay any required fines or fees.

(f) Failing to report any changes in residence.

5. As used in this section:

(a) “Absconding” means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.

(b) “Technical violation” means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.

➤ The term does not include termination from a specialty court program.

Sec. 16. NRS 176A.660 is hereby amended to read as follows:

176A.660 1. ~~HH~~ **Except as otherwise provided in subsection 4, if** a person who has been placed on probation violates a condition of probation, the court may order the person to a term of residential confinement in lieu of

causing the sentence imposed to be executed. In making this determination, the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

(a) Direct that the person be placed under the supervision of the Division and require:

(1) The person to be confined to the person's residence during the time the person is away from any employment, community service or other activity authorized by the Division; and

(2) ~~Intensive~~ **Enhanced** supervision of the person, including, without limitation, unannounced visits to the person's residence or other locations where the person is expected to be in order to determine whether the person is complying with the terms of confinement; or

(b) If the person was placed on probation for a felony conviction, direct that the person be placed under the supervision of the Department of Corrections and require the person to be confined to a facility or institution of the Department for a period not to exceed 6 months. The Department may select the facility or institution in which to place the person.

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's location, including, but not limited to, the transmission of still visual images which do not concern the person's activities, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities,

➔ must not be used.

4. The court shall not order a person to a term of residential confinement unless the person agrees to the order.

5. A term of residential confinement may not be longer than the unexpired maximum term of a sentence imposed by the court.

6. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

Sec. 17. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of

the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the justice of the peace; and

(b) Require ~~intensive~~ **enhanced** supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the

justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 18. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the municipal judge; and

(b) Require ~~intensive~~ **enhanced** supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be in order to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of

subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 19. NRS 205.312 is hereby amended to read as follows:

205.312 *1.* Whenever any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within 72 hours after the lease or rental agreement has expired, that person may reasonably be inferred to have embezzled the vehicle.

2. A person who is convicted of embezzling a vehicle pursuant to subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 20. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, unless the context otherwise requires:

1. “Offender” includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. “Residential confinement” means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS ~~176A.530~~ **176A.540** to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 21. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to

pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of parole.

6. The Division may not seek revocation of parole for a technical violation of the conditions of parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the ~~court or~~ Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action

or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

↪ *The term does not include termination from a specialty court program.*

Sec. 22. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 21 of this act*, unless the context otherwise requires:

1. “Board” means the State Board of Parole Commissioners.
2. “Chief” means the Chief Parole and Probation Officer.
3. “Division” means the Division of Parole and Probation of the Department of Public Safety.
4. “Residential confinement” means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. “Responsivity factors” means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. “Risk and needs assessment” means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. “Sex offender” means any person who has been or is convicted of a sexual offense.
8. “Sexual offense” means:
 - (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;
 - (b) An attempt to commit any offense listed in paragraph (a); or
 - (c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.
9. “Standards” means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 23. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in ~~subsections~~ **subsection 3**, ~~and 5,~~ the Division shall administer a risk and needs assessment to each ~~probationer and~~ parolee under the Division’s supervision. The results of the risk and needs assessment must be used to set a level of supervision for each ~~probationer and~~ parolee and to develop individualized case plans pursuant to subsection ~~4.~~ **4.** The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

~~2. Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.~~

~~3. The provisions of subsections 1 and 2 are not applicable if:~~

~~(a) The level of supervision for the probationer is set by the court or by law;~~
~~or~~

~~(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.~~

~~4. Except as otherwise provided in subsection 5, 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.~~

~~5. 3. The provisions of subsections 1 and 4, 2 are not applicable if the level of supervision for the parolee is set by the Board or by law.~~

~~6. 4. The Division shall develop an individualized case plan for each probationer and parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer or parolee.~~

~~7. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.~~

~~8. 5. Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 4, 2, the supervising officer shall submit a request to the Board to modify the condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.~~

~~9. 6. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality~~

assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 24. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

- (a) Has not been released on parole previously for that sentence; and
- (b) Is not otherwise ineligible for parole,

→ the prisoner must be released on parole 12 months before the end of his or her maximum term or maximum aggregate term, as applicable, as reduced by any credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

- (a) The prisoner has served the minimum term or the minimum aggregate term of imprisonment imposed by the court, as applicable;
- (b) The prisoner has completed a program of general education or an industrial or vocational training program;
- (c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and
- (d) The prisoner has not, within the immediately preceding 24 months:
 - (1) Committed a major violation of the regulations of the Department of Corrections; or
 - (2) Been housed in disciplinary segregation.

3. If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend in a sexual manner pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

5. Each parolee so released must be supervised closely by the Division, in accordance with the plan for *enhanced* supervision developed by the Chief pursuant to NRS 213.122.

6. If a prisoner meets the criteria set forth in subsection 1 and there are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been

notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings, the Board may grant parole to the prisoner without a meeting. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 1 will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 25. NRS 213.122 is hereby amended to read as follows:

213.122 The Chief shall develop a statewide plan for the ~~strict~~ *enhanced* supervision of parolees released pursuant to NRS 213.1215. In addition to such other provisions as the Chief deems appropriate, the plan must provide for the supervision of such parolees by assistant parole and probation officers whose caseload allows for enhanced supervision of the parolees under their charge unless, because of the remoteness of the community to which the parolee is released, enhanced supervision is impractical.

Sec. 26. NRS 213.124 is hereby amended to read as follows:

213.124 1. Upon the granting of parole to a prisoner, the Board may require the parolee to submit to a program of ~~intensive~~ *enhanced* supervision as a condition of his or her parole.

2. The Chief shall develop a program for the ~~intensive~~ **enhanced** supervision of parolees required to submit to such a program pursuant to subsection 1. The program must include an initial period of electronic supervision of the parolee with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the parolee's location, including, but not limited to, the transmission of still visual images which do not concern the parolee's activities, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the parolee's activities,

↪ must not be used.

Sec. 27. NRS 213.150 is hereby amended to read as follows:

213.150 The Board may:

1. Make and enforce regulations covering the conduct of paroled prisoners.

2. Retake or cause to be retaken and imprisoned any prisoner so upon parole, subject to the procedures prescribed in NRS 213.151 to 213.1519, inclusive ~~1-7~~, **and section 21 of this act.**

Sec. 28. NRS 213.15193 is hereby amended to read as follows:

213.15193 1. Except as otherwise provided in ~~subsection~~ **subsections 4 and 6**, the Chief may order the residential confinement of a parolee if the Chief believes that the parolee does not pose a danger to the community and will appear at a scheduled ~~inquiry or~~ hearing.

2. In ordering the residential confinement of a parolee, the Chief shall:

(a) Require the parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(b) Require ~~intensive~~ **enhanced** supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be to determine whether the parolee is complying with the terms of his or her confinement.

3. An electronic device approved by the Division may be used to supervise a parolee who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, without limitation, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the activities of the parolee,

↪ must not be used.

4. The Chief shall not order a parolee to be placed in residential confinement unless the parolee agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence of the parolee.

6. The Chief shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to be placed in residential confinement unless the Chief makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

Sec. 29. NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in ~~subsection~~ **subsections 5 and 7**, if a parolee violates a condition of his or her parole, the Board may order the parolee to a term of residential confinement in lieu of suspending his or her parole and returning the parolee to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require:

(1) The parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(2) ~~Intensive~~ **Enhanced** supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be in order to determine whether the parolee is complying with the terms of his or her confinement; or

(b) Require the parolee to be confined to a facility or institution of the Department of Corrections for a period not to exceed 6 months. The Department may select the facility or institution in which to place the parolee.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, but not limited to, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the activities of the parolee,

↪ must not be used.

4. A parolee who is confined to a facility or institution of the Department of Corrections pursuant to paragraph (b) of subsection 2:

(a) May earn credits to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Shall not be deemed to be released on parole for purposes of NRS 209.447 or 209.4475 during the period of that confinement.

5. The Board shall not order a parolee to a term of residential confinement unless the parolee agrees to the order.

6. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

7. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

8. As used in this section:

(a) “Facility” has the meaning ascribed to it in NRS 209.065.

(b) “Institution” has the meaning ascribed to it in NRS 209.071.

Sec. 30. NRS 213.1528 is hereby amended to read as follows:

213.1528 The Board shall establish procedures to administer a program of *enhanced* supervision for parolees who are ordered to a term of residential confinement pursuant to NRS 213.152.

Sec. 31. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3923 or 209.3925;

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require ~~intensive~~ *enhanced* supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender’s location, including, but not limited to, the transmission of still visual images which do not concern the

offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the offender's activities,

→ must not be used.

Sec. 32. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection ~~5~~ **6**, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, ~~and 4~~ **and 5** and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and

shall be punished 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 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. ***Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.***

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

~~16-1~~ 7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

~~17-1~~ 8. As used in this section:

(a) “Controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) “Marijuana” does not include concentrated cannabis.

(c) “Sterile hypodermic device program” has the meaning ascribed to it in NRS 439.986.

Sec. 33. The amendatory provisions of sections 19 and 32 of this act apply to an offense committed:

1. On or after July 1, 2021; and
2. Before July 1, 2021, if the person is sentenced on or after July 1, 2021.

Sec. 34. 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. 35. NRS 176A.530, 176A.580, 176A.590, 176A.600, 176A.610 and 213.10988 are hereby repealed.

Sec. 36. 1. This section and sections 1, 2, ~~4, 5, 6, 7~~ **4 to 6.5, inclusive,** 33 and 34 of this act become effective upon passage and approval.

2. Sections 3, 7 to 32, inclusive, and 35 of this act become effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

176A.530 Authority of Chief Parole and Probation Officer to order.

176A.580 Inquiry required before alleged violation considered by court; qualifications of inquiring officer; time and place of inquiry; exceptions; subpoenas.

176A.590 Enforcement of subpoena issued by inquiring officer; contempt.

176A.600 Notice to probationer; rights of probationer at inquiry.

176A.610 Duties of inquiring officer; determination; detention or residential confinement of probationer upon finding probable cause.

213.10988 Chief to adopt standards for recommendations regarding parole or probation.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 196.

SUMMARY—Provides that ~~members of a mobile crisis response team~~ behavioral health specialists performing mobile crisis intervention

services are immune from civil liability under certain circumstances. (BDR 3-1046)

AN ACT relating to civil actions; providing that ~~members of a mobile crisis response team,~~ **behavioral health specialists performing mobile crisis intervention services** are immune from civil liability under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain persons with immunity from civil liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) This bill provides that ~~any person acting as a member of a mobile crisis response team,~~ **a behavioral health specialist performing mobile crisis intervention services by telephone or audio-video communication**, whether for compensation or gratuitously, is immune from any civil liability in the performance of mobile crisis intervention services if: (1) the acts or omissions of the person are in good faith; and (2) the acts or omissions of the person do not constitute gross negligence or willful, wanton or intentional misconduct.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Any person acting as a member of a mobile crisis response team,~~ **A behavioral health specialist performing mobile crisis intervention services by telephone or audio-video communication, whether for compensation or gratuitously, is immune from any civil liability in the performance of mobile crisis intervention services if:**

(a) *The acts or omissions of the person are in good faith; and*
(b) *The acts or omissions of the person do not constitute gross negligence or willful, wanton or intentional misconduct.*

2. *As used in this section:*

(a) **"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.**

(b) **"Behavioral health specialist" means a physician who is certified by the Board of Medical Examiners, a psychologist, a physician assistant or an advanced practice registered nurse who is certified to practice as a behavioral health specialist, or a person who is licensed as a clinical social worker, clinical professional counselor or marriage and family therapist.**

(c) **"Mobile crisis intervention services" means services provided under the direction of a peace officer while engaging in an emergency response to assist a person who is experiencing a behavioral health crisis** ~~including, without limitation, services involving stabilization, de-escalation or resolution of~~ **by:**

~~(1) Stabilizing, de-escalating or resolving the crisis ; for the assessment, examination, supervision, treatment, referral, transfer or placement of the person.~~

~~(2) Screening or assessing the person for safety; or~~

~~(3) Creating a safety plan.~~

~~(b) “Mobile crisis response team” means a group of persons who perform mobile crisis intervention services.~~

~~(d) “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.~~

Sec. 2. The provisions of this act apply to a cause of action that accrues on or after July 1, 2021.

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

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 147.

SUMMARY—Directs the ~~{Advisory}~~ **Legislative** Commission ~~on the Administration of Justice~~ to appoint a ~~{subcommittee}~~ **committee** to study the sealing or expungement of records of criminal history. (BDR S-1027)

AN ACT relating to criminal justice; ~~requiring~~ **directing** the ~~{Advisory}~~ **Legislative** Commission ~~on the Administration of Justice to appoint a subcommittee~~ to **appoint a committee to** conduct an interim study concerning the sealing or expungement of records of criminal history; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~{Existing law creates the Advisory Commission on the Administration of Justice and directs the Advisory Commission, among other duties, to evaluate and study the elements of this State’s system of criminal justice. (NRS 176.0123, 176.0125). This bill {requires} directs the {Advisory} Legislative Commission to appoint a {subcommittee} committee to conduct an interim study concerning the sealing or expungement of records of criminal history. {This bill also requires the subcommittee to: (1) make recommendations concerning its findings; and (2) report the results of the study and its recommendations to the Advisory Commission.}~~

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

Section 1. 1. The ~~{Advisory}~~ **Legislative** Commission ~~{on the Administration of Justice created by NRS 176.0123}~~ shall appoint a ~~{subcommittee}~~ **committee** to conduct an interim study concerning the sealing or expungement of records of criminal history ~~. {and shall make a report thereof.}~~

2. **The committee must be composed of six Legislators as follows:**

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

(c) One member appointed by the Minority Leader of the Senate; and

(d) One member appointed by the Minority Leader of the Assembly.

3. The study ~~{and report}~~ must include, without limitation:

(a) An evaluation of:

(1) The types of records of criminal history currently eligible for sealing in this State;

(2) The current procedures in this State relating to petitioning for the sealing of records of criminal history, including, without limitation, any requirement for:

(I) An offender to wait a certain period of time from the date of his or her release from custody or discharge from parole or probation before filing such a petition;

(II) An offender to reach a certain age before filing the petition; and

(III) The petition to include supporting documents or records;

(3) The persons and entities currently involved in the sealing of records of criminal history in this State;

(4) The internal processes used by the persons and entities described in subparagraph (3) to seal records of criminal history;

(5) The deadlines currently imposed on the persons and entities described in subparagraph (3) for the sealing of records of criminal history;

(6) The current authority of the persons and entities described in subparagraph (3) to charge fees for the sealing of records of criminal history and the amount of fees charged by the persons or entities;

(7) The applicability of the current procedures in this State for the sealing of records of criminal history to records which are posted on Internet websites, social media or otherwise possessed by third parties; and

(8) The systems and procedures used by other states to seal or expunge records of criminal history.

(b) Recommendations regarding, without limitation, necessary statutory changes relating to the sealing or expungement of records of criminal history, and any fiscal impact or retroactive application of a recommendation.

~~{ 3. The subcommittee shall submit a report of the results of the study and any recommendations for legislation to the full Advisory Commission not later than September 1, 2022. }~~

4. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee.

5. The Legislative Commission shall submit a report of the results of the study, including any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 197.

AN ACT relating to rules of the road; revising provisions relating to certain violations by pedestrians relating to crossing a highway; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires any pedestrian, other than a person who is blind and using a service animal or carrying a cane or walking stick, to yield the right-of-way to all vehicles upon the highway if crossing a highway: (1) at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection; or (2) at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. (NRS 484B.287, 484B.290) Existing law also prohibits a pedestrian from: (1) crossing a highway at any place except in a marked crosswalk if between adjacent intersections at which official traffic-control devices are in operation; or (2) crossing an intersection diagonally, unless the pedestrian is authorized to cross the intersection diagonally by official traffic-control devices and the pedestrian crosses in accordance with such official traffic-control devices. (NRS 484B.287) Under existing law, the commission of any such prohibited act by a pedestrian: (1) is a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment; and (2) may subject the pedestrian to additional penalties if the violation is committed in a pedestrian safety zone. (NRS 484A.900, 484B.135, 484B.287)

Section 2 of this bill decriminalizes the commission of such prohibited acts by pedestrians by specifically providing that a violation is not a misdemeanor and is instead punishable by a civil penalty of **not more than \$100**. **Section 1** of this bill removes the reference to the statute that prohibits such acts by pedestrians, thereby providing that a violation is no longer subject to any additional penalties if the violation is committed in a pedestrian safety zone.

Section 2.5 of this bill provides that the amendatory provisions of this bill apply retroactively to any person who has committed such a violation, unless the person was convicted of the violation before July 1, 2021.
Section 2.5 further requires: (1) each court in this State to cancel each

outstanding bench warrant issued by the court for a person who failed to appear in court in relation to such an alleged violation; and (2) the Central Repository for Nevada Records of Criminal History to remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to such an alleged violation.

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

Section 1. NRS 484B.135 is hereby amended to read as follows:

484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, ~~484B.287, 484B.287.1~~ 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is discretionary with the court and contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

- (a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines may apply in pedestrian safety zones;
- (b) A sign to mark the beginning of the pedestrian safety zone; and
- (c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

- (a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines may apply in pedestrian safety zones; or
- (b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 2. NRS 484B.287 is hereby amended to read as follows:

484B.287 1. Except as provided in NRS 484B.290:

(a) Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the highway.

(b) Any pedestrian crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the highway.

(c) Between adjacent intersections at which official traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

(e) When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

2. ~~{A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.135.}~~ *A violation of this section:*

(a) Is not a misdemeanor; and

(b) Is punishable by the imposition of a civil penalty of not more than \$100.

Sec. 2.5. 1. Except as otherwise provided in this section, the provisions of this act apply to a violation of NRS 484B.287 if the violation occurred before, on or after July 1, 2021. The provisions of this act do not apply to any violation of NRS 484B.287 for which a person was convicted before July 1, 2021.

2. Each court in this State shall cancel each outstanding bench warrant issued by the court for a person who failed to appear in court in relation to an alleged violation of NRS 484B.287 which occurred before July 1, 2021.

3. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to an alleged violation of NRS 484B.287 which occurred before July 1, 2021.

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

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 312.

SUMMARY—Revises provisions relating to ~~dead bodies;~~ **embalming.** (BDR ~~40-513~~) **54-513**)

AN ACT relating to ~~decedents; authorizing a coroner to allow the transportation of human remains to a funeral establishment in an adjacent state under certain circumstances;~~ **embalming;** revising the qualifications for ~~a~~ **license to practice the profession of embalming;** **certain certificates and licenses issued by the Nevada Funeral and Cemetery Services Board;** **authorizing certain students to enter into a room in a funeral home or mortuary where dead bodies are being embalmed;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law: (1) requires a funeral director or person acting as undertaker to file a death certificate and secure a burial or removal permit prior to any disposition of a body; and (2) provides for the imposition of a monetary penalty against a person who removes or transports a body without a removal permit. (NRS 440.450, 440.530, 440.540, 440.750, 451.060) Sections 1-8 of this bill create an exception to these requirements which allows the coroner to authorize the transportation of human remains to a funeral establishment in an adjoining state if the remains are found within 50 miles of the boundary between this State and the adjoining state and certain other requirements are met. Section 1 requires a coroner who authorizes the transportation of human remains to a funeral establishment in an adjoining state under those circumstances to file a completed death certificate not later than 72 hours after the discovery of the remains.]~~

Existing law requires an applicant for a license to practice the profession of embalming to have completed **2 academic years of instruction at a college or university by taking a certain number of credit hours. (NRS 642.080)** **Section 9 of this bill authorizes an applicant for such a license to apply credits earned at an embalming college or school of mortuary science, toward this requirement. Section 9.6 of this bill makes a conforming change as a result of the change in this requirement. Existing law also requires an applicant for a license to practice the profession of embalming to have completed** 12 months of instruction in an accredited embalming college or school of mortuary science. (NRS 642.080) **Section 9** ~~[of this bill]~~ instead requires that an applicant for such a license must have graduated from such a college or school. **Section 10** of this bill makes a conforming change as a result of the change in this requirement.

Existing law provides for the issuance of a license by reciprocity to practice the profession of embalming to an applicant who has practiced embalming successfully for at least 5 years and practiced actively for 2 years immediately preceding the application for license by reciprocity. (NRS 642.100) Section 9.3 of this bill revises this requirement to instead require an applicant for such a license to have practiced successfully for at least 5 years and practiced actively for at least 2 years of the 5 year period immediately preceding the application for such a license.

Existing law prohibits a funeral director, funeral arranger or embalmer from permitting any person to enter into any room in any funeral home or mortuary where dead bodies are being embalmed, except licensed embalmers and their assistants, funeral directors, funeral arrangers, certain public officers and attending physicians and their assistants, unless by direct permission of the immediate family of the deceased. (NRS 642.560) Section 11 of this bill authorizes a student enrolled in an accredited embalming college or school of mortuary science to enter such rooms without the express permission of the immediate family of the deceased.

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

Section 1. ~~{Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The coroner may authorize the transportation of human remains without a death certificate or removal permit to a funeral establishment that is located in an adjoining state if:~~

~~(a) The remains were found within 50 miles of the boundary between this State and the adjoining state;~~

~~(b) The remains are not the subject of any ongoing investigation;~~

~~(c) A reasonable certainty exists that the cause of death will be provided by the attending physician or by a review of the medical records by the coroner or medical examiner;~~

~~(d) The death does not appear to the coroner to have been caused by a disease that is held by the Board to be infectious, contagious or communicable and dangerous to the public health; and~~

~~(e) The funeral establishment is located within 30 miles of the boundary of the county in which the remains were found.~~

~~2. A coroner who authorizes the transportation of human remains without a death certificate or removal permit pursuant to this section shall file a completed death certificate with the local registrar in the jurisdiction where the remains were discovered not later than 72 hours after the discovery of the remains.~~

~~3. As used in this section, "funeral establishment" has the meaning ascribed to it in NRS 642.016. (Deleted by amendment.)~~

Sec. 2. ~~NRS 440.450 is hereby amended to read as follows:~~

~~440.450 [The] *Except where the remains of a decedent are transported to an adjoining state in accordance with the provisions of section 1 of this act,* the funeral director or person acting as undertaker is responsible for obtaining and filing the certificate of death with the local health officer, or his or her deputy, in the registration district in which the death occurred, and for securing a burial or removal permit prior to any disposition of the body.]~~
(Deleted by amendment.)

Sec. 3. ~~NRS 440.520 is hereby amended to read as follows:~~

~~440.520 The funeral director shall:~~
~~1. Deliver the burial permit to the sexton or person in charge of the place of burial, before interring or otherwise disposing of the body.~~
~~2. [Attach] *Except where a removal permit is not required pursuant to section 1 of this act, attach* the removal permit to the box containing the body, when shipped by any transportation company.]~~ **(Deleted by amendment.)**

Sec. 4. ~~NRS 440.530 is hereby amended to read as follows:~~

~~440.530 [The] *Except as otherwise provided in section 1 of this act, a burial or removal permit* [shall] *must* accompany the body to its destination. [, where, if] *If that destination is* within the State of Nevada, [it shall] *the burial or removal permit must* be delivered to the sexton or to any other person in charge of the place of burial.]~~ **(Deleted by amendment.)**

Sec. 5. ~~NRS 440.540 is hereby amended to read as follows:~~

~~440.540 1. Except as provided in subsection 2 [,] *and section 1 of this act,* the body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, removed from or into any registration district, or be held temporarily pending a further disposition more than 72 hours after death, until a permit for burial or removal or other disposition thereof has been properly issued by the local health officer of the registration district in which the death occurred.~~
~~2. If the person who is to certify the cause of death consents, a body may be moved from the place of death into another registration district to be prepared for final disposition.]~~ **(Deleted by amendment.)**

Sec. 6. ~~NRS 440.560 is hereby amended to read as follows:~~

~~440.560 No sexton or other person in charge of any premises *in this State* in which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit as provided in this chapter.]~~ **(Deleted by amendment.)**

Sec. 7. ~~NRS 440.750 is hereby amended to read as follows:~~

~~440.750 [Any] *Except as otherwise provided in section 1 of this act, any* funeral director, sexton or other person in charge of the disposal who inter, removes or otherwise disposes of the body of any deceased person without having received a burial or removal permit shall be punished by a fine of not more than \$250.]~~ **(Deleted by amendment.)**

Sec. 8. ~~NRS 451.060 is hereby amended to read as follows:~~

~~451.060 **Except where transportation of human remains without a removal permit is authorized by section 1 of this act:**~~

~~1. Any transportation company or common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with law, shall be punished by a fine of not more than \$250. If the death occurred outside of the State and the body is accompanied by a burial, removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such burial, removal or transit permit may be held to authorize the transportation or carriage of the body into or through the State.~~

~~2. Any railroad, transportation or express company which receives for transportation and shipment any dead human body, unless the body has been prepared by a regularly licensed embalmer of the State of Nevada, with the removal permit, his or her name and the number of the embalmer's license attached thereon, and unless the body shall reach its destination within the boundaries of this state and within 30 hours from time of death, shall be punished by a fine of not more than \$500. **(Deleted by amendment.)**~~

Sec. 9. NRS 642.080 is hereby amended to read as follows:

642.080 Except as otherwise provided in NRS 642.100, an applicant for a license to practice the profession of embalming in the State of Nevada shall:

1. Have attained the age of 18 years.
2. Be of good moral character.
3. Be a high school graduate and have completed 2 academic years of instruction by taking 60 semester or 90 quarter hours at an accredited college or university. ~~[Credits earned at an embalming college or school of mortuary science do not fulfill this requirement.]~~

4. ~~[Have completed 12 full months of instruction in]~~ **Be a graduate of** an embalming college or school of mortuary science which is accredited by the American Board of Funeral Service Education and approved by the Board, and have not less than 1 year's practical experience under the supervision of an embalmer licensed in the State of Nevada.

5. Have actually embalmed at least 50 bodies under the supervision of a licensed embalmer prior to the date of application.

6. Present to the Board affidavits of at least two reputable residents of the county in which the applicant proposes to engage in the practice of an embalmer to the effect that the applicant is of good moral character.

Sec. 9.3. NRS 642.100 is hereby amended to read as follows:

642.100 Reciprocity may be arranged by the Board if an applicant:

1. Is a graduate of an embalming college or a school of mortuary science which is accredited by the American Board of Funeral Service Education and approved by the Board;
2. Is licensed as an embalmer in another state;

3. Has practiced embalming successfully for at least 5 years and practiced actively for at least 2 years of the 5 [years] year period immediately preceding the application for a license by reciprocity;

4. Is of good moral character;

5. Has passed the examination given by the Board on the subjects set forth in subsection 5 of NRS 642.090 or the national examination given by the International Conference of Funeral Service Examining Boards;

6. Possesses knowledge of the applicable statutes and regulations of this State governing embalmers; and

7. Pays to the Secretary of the Board the fees prescribed in NRS 642.0696.

Sec. 9.6. NRS 642.200 is hereby amended to read as follows:

642.200 1. Each applicant for a certificate of registration as a registered apprentice shall furnish proof that he or she is a high school graduate and has completed 2 academic years of instruction by taking 60 semester or 90 quarter hours at an accredited college or university. ~~[Credits earned at an embalming college or a school of mortuary science do not fulfill this requirement.]~~

2. Such proof must be furnished before the applicant may be issued a certificate of registration as a registered apprentice.

Sec. 10. NRS 642.330 is hereby amended to read as follows:

642.330 1. Before a registered apprentice may take the examination for a license to practice the profession of embalming pursuant to NRS 642.090, the registered apprentice must have ~~[completed instruction in]~~ **graduated from** an accredited and approved embalming college or school of mortuary science, as prescribed by NRS 642.080.

2. A registered apprentice may take the examination for a license to practice the profession of embalming pursuant to NRS 642.090 before the registered apprentice has completed the required 1 year of apprenticeship.

Sec. 11. NRS 642.560 is hereby amended to read as follows:

642.560 No funeral director, funeral arranger or embalmer may permit any person to enter any room in any funeral home or mortuary where dead bodies are being embalmed, except licensed embalmers and their assistants, funeral directors, funeral arrangers, public officers in the discharge of their official duties, **students enrolled in an accredited embalming college or school of mortuary science**, and attending physicians and their assistants, unless by direct permission of the immediate family of the deceased.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 162.

AN ACT relating to conservation; ~~making~~ **providing, with** certain exceptions, **that certain** information **related to a rare plant or animal species or ecological community that is included in the data systems** maintained by the Division of Natural Heritage of the State Department of Conservation and Natural Resources **is** confidential; ~~authorizing the Division to release such information under certain circumstances and to charge a fee for such a release;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Natural Heritage of the State Department of Conservation and Natural Resources to maintain data systems related to the location, biology and conservation status of plants and animal species and ecosystems. (NRS 232.1369) ~~[This]~~ **Section 1 of this bill** ~~[makes confidential any information related to]~~ **provides, with certain exceptions, that the specific** location of a rare plant or animal species or ecological community **that is** included in the Division's data systems ~~[This bill also]~~ **is confidential. Section 1** authorizes, under certain circumstances, the Administrator of the Division **or his or her designee** to release this confidential information ~~[for a reasonable fee]~~ **to a person upon request. Section 1 further requires the Administrator or his or her designee to release this confidential information to certain persons who enter into a written agreement which includes a provision that requires the person to maintain the confidentiality of the information.**

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

Section 1. NRS 232.1369 is hereby amended to read as follows:

232.1369 1. The Division of Natural Heritage shall:

- (a) Provide expertise in the areas of zoology, botany and community ecology, including the study of wetland ecosystems; and
- (b) Maintain data systems related to the location, biology and conservation status of plant and animal species and ecosystems.

2. ~~Except as otherwise provided in subsection 3, information related to~~ **this section, the specific location of a rare plant or animal species or ecological community that is included in the data systems maintained by the Division pursuant to subsection 1 is confidential.** ~~and is not a public record for the purposes of chapter 239 of NRS.~~

3. ~~The~~ **Except as otherwise provided in subsection 4, the Administrator or his or her designee may release information declared confidential pursuant to subsection 2** ~~if~~ **upon request** ~~and for a reasonable fee,~~ **to any person, including, without limitation, an owner of property on which a rare plant or animal species occurs or on which a sensitive ecological community is located, if:**

- (a) The release of the information is not otherwise prohibited by law;
- (b) The release of the information is not restricted by the original provider of the information; and

(c) *The Administrator or his or her designee determines that the request is:*

(1) ~~*Made for a legitimate activity related to*~~ *Related to conservation, environmental review for, education, land management, scientific research or a similar purpose;*

(2) *Limited to the release of information necessary to achieve the purpose of the request; and*

(3) *Unlikely to result in harm to a rare plant or animal species or ecological community.*

4. *The Administrator or his or her designee shall release information declared confidential pursuant to subsection 2 upon request to a person who is engaged in conservation, environmental review or scientific research and enters into a written agreement with the Administrator or his or her designee which includes a provision that requires the person to maintain the confidentiality of the information to the extent necessary to protect the rare plant or animal species or ecological community.*

5. *The provisions of chapter 239 of NRS apply to the release of any information that is authorized or required pursuant to this section.*

6. *The Administrator may adopt any regulations necessary to carry out the provisions of this section.*

~~§ 7.~~ 7. *As used in this section, “rare plant or animal species or ecological community” includes, without limitation, any species, subspecies or ecological community:*

(a) *Declared as threatened or endangered or designated as a candidate for listing as threatened or endangered pursuant to the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 et seq.;*

(b) *Designated as sensitive by the United States Bureau of Land Management or the United States Forest Service;*

(c) *Classified as protected, sensitive, threatened or endangered by the Board of Wildlife Commissioners pursuant to NRS 501.110;*

(d) *Protected under the provisions of chapter 527 of NRS, including, without limitation, Christmas trees, cacti and yucca protected pursuant to NRS 527.060 to 527.120, inclusive, and any species listed as a fully protected species of native flora pursuant to NRS 527.270; or*

(e) *Considered rare or at risk of extinction by the Division of Natural Heritage.*

Sec. 2. 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, 3.2203, 41.071, 49.095, 49.293, 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, 119A.677, 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,
128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245,
176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
209.3925, 209.419, 209.429, 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, 226.300, 228.270, 228.450,
228.495, 228.570, 231.069, 231.1473, **232.1369**, 233.190, 237.300, 239.0105,
239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087,
250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174,
271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750,
281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025,
289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558,
293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510,
331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593,
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, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327,
372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,
391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,
392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,
394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,
408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070,
422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145,
437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
449.4315, 449A.112, 450.140, 450B.188, 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,
480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170,
482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,
484E.070, 485.316, 501.344, 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.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
616B.350, 618.341, 618.425, 622.238, 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, 630.2673, 630.30665, 630.336, 630A.555,

631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 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.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 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, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or
(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or
(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. 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 the medium that is requested 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. 3. This act becomes effective upon passage and approval.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 88.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 40.

AN ACT relating to governmental entities; requiring the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils to adopt a policy prohibiting the use of certain racially discriminatory identifiers; authorizing the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils to use an identifier associated with a federally recognized Indian tribe in certain circumstances; ~~authorizing the Board of Regents of the University of Nevada to prohibit the use of certain racially discriminatory identifiers;~~ requiring the Nevada State Board on Geographic Names to recommend changes to the names of geographic features or places that are racially discriminatory; ~~for named after certain persons;~~ requiring the Board to report annually to the Legislature or the Legislative Commission, as applicable, on any recommendations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the board of trustees of each school district, governing body of each charter school and governing body of each university school for profoundly gifted pupils to change, and adopt a policy that prohibits the use of, ~~for~~ any name, logo, mascot, song or other identifier that: (1) is racially discriminatory; or (2) contains racially discriminatory language or

imagery ~~. [; or (3) is associated with a natural person with a racially discriminatory history.]~~ **Section 1** authorizes the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils to use an identifier associated with a federally recognized Indian tribe if the board of trustees or governing body obtains permission for the use of the identifier from the Indian tribe.

~~[Section 2 of this bill similarly authorizes the Board of Regents of the University of Nevada to adopt a policy that prohibits the use of a name, logo, mascot, song or other identifier that is racially discriminatory or associated with a person with a racially discriminatory history and requires a university, state college or community college to change such an identifier. Section 2 also authorizes a university, state college or community college to use an identifier associated with a federally recognized Indian tribe if the university, state college or community college obtains permission for the use of the identifier from the Indian tribe.]~~

Existing law creates the Nevada State Board on Geographic Names. (NRS 327.110) Under existing law, the Board makes official recommendations to the United States Board on Geographic Names on proposals for the names of geographic features and places in this State for use in maps and official documents. (NRS 327.140) **Section 3** of this bill requires the Board to recommend changes to the name of any geographic feature or place that: (1) is racially discriminatory; or (2) contains racially discriminatory language or imagery ~~. [; or (3) is named for a natural person with a racially discriminatory history.]~~ **Section 3** also requires the Board to submit an annual report on any recommendations to change the name of a geographic feature or place 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.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the board of trustees of each school district, governing body of each charter school and governing body of each university school for profoundly gifted pupils shall change, and adopt a policy prohibiting the use of, any name, logo, mascot, song or other identifier that is racially discriminatory ~~, [; or~~ or contains racially discriminatory language or imagery ~~, for is associated with a natural person with a racially discriminatory history.]~~ including, without limitation, a name, logo, mascot, song or other identifier associated with the Confederate States of America or a federally recognized Indian tribe.

2. The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils may use a name, logo, mascot, song or other identifier associated with a federally recognized Indian tribe if the board of trustees or governing body

obtains approval from the Indian tribe to use the name, logo, mascot, song or other identifier.

Sec. 2. ~~{Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Board of Regents may adopt a policy prohibiting the use of, and require a university, state college or community college to change, any name, logo, mascot, song or other identifier that is racially discriminatory, contains racially discriminatory language or imagery or is associated with a natural person with a racially discriminatory history, including, without limitation, a name, logo, mascot, song or other identifier associated with the Confederate States of America or a federally recognized Indian tribe~~

~~2. A university, state college or community college may use a name, logo, mascot, song or other identifier associated with a federally recognized Indian tribe if the university, state college or community college obtains approval from the Indian tribe to use the name, logo, mascot, song or other identifier.~~ **(Deleted by amendment.)**

Sec. 3. NRS 327.140 is hereby amended to read as follows:

327.140 1. The Board shall:

(a) Receive and evaluate all proposals for changes in or additions to names of geographic features and places in the State to determine the most appropriate and acceptable names for use in maps and official documents of all levels of government.

(b) Make official recommendations on behalf of the State with respect to each proposal.

(c) Assist and cooperate with the United States Board on Geographic Names in matters relating to names of geographic features and places in Nevada.

(d) Maintain a list of advisers who have special knowledge of or expertise in Nevada history, geography or culture and consult with those advisers on a regular basis in the course of its work.

(e) Recommend to change the name of any geographic feature or place in this State that is racially discriminatory ~~or~~ or contains racially discriminatory language or imagery. ~~for is named for a natural person with a racially discriminatory history.~~

(f) Report annually on any recommendation to change the name of a geographic feature or place pursuant to paragraph (e) and submit the report 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.

2. The Board may:

(a) Adopt regulations to assist in carrying out the functions and duties assigned to it by law.

(b) Initiate proposals for changes in or additions to geographic names in the State. Any proposal initiated by the Board must be evaluated in accordance with the same procedures prescribed for the consideration of other proposals.

Sec. 4. ~~44~~ The board of trustees of each school district, governing body of each charter school and governing body of each university school for profoundly gifted pupils shall adopt the policy required by section 1 of this act and change any applicable name, logo, mascot, song or other identifier on or before July 1, 2022.

~~1 2. The Nevada State Board on Geographic Names shall recommend the change of the names of any applicable geographic features or places in this State as required by NRS 327.140, as amended by section 3 of this act, on or before December 1, 2022.~~

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 39.

~~ASSEMBLYMAN~~ **ASSEMBLYMEN** LEAVITT; **HARDY, KRASNER AND TOLLES**

AN ACT relating to education; requiring the board of trustees of a school district, the governing body of a charter school, a university, a state college or a community college to include certain information on an identification card issued to a pupil or student, as applicable; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires information concerning the SafeVoice Program, which generally enables anonymous reporting of information about dangerous, violent or unlawful activity at public schools, to appear on the back of an identification card issued to pupils. (NRS 388.14553) **Section 1** of this bill similarly requires that the board of trustees of a school district or governing body of a charter school ensure that information relating to mental health resources appears on ~~the back of~~ an identification card issued to a pupil of a school. **Section 1** requires this information to include, without limitation, ~~1. (1) the telephone number~~ **and a text messaging option** ~~for a national suicide prevention hotline; (2) the telephone number for a local suicide prevention hotline, if available; (3) the telephone number for a national network of local crisis centers; and (4) a statement describing how to access an emotional support service through, without limitation, a hotline, an Internet website, a mobile telephone application or a text messaging application.~~ **the National Suicide Prevention Lifeline. Section 1 authorizes information received by the National Suicide Prevention Lifeline to be shared with the SafeVoice Program to the extent authorized by law and the policies of the National**

Suicide Prevention Lifeline. Section 3 of this bill establishes similar requirements for a university, state college or community college within the Nevada System of Higher Education.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or governing body of a charter school shall ensure that information relating to mental health resources appears on ~~the back of~~ any identification card newly issued to pupils or reprinted for a pupil at a school within the school district or the charter school. The information must include, without limitation ~~the~~

~~*1. The telephone number and a text messaging option for a national suicide prevention hotline;*~~

~~*2. The telephone number for a local suicide prevention hotline, if available;*~~

~~*3. The telephone number for a national network of local crisis centers; and*~~

~~*4. A statement describing how to access an emotional support service through, without limitation, a hotline, an Internet website, a mobile telephone application or a text messaging application.*~~ *the National Suicide Prevention Lifeline, or its successor organization.*

2. To the extent authorized by law and the policies of the National Suicide Prevention Lifeline, or its successor organization, any information received by the National Suicide Prevention Lifeline, or its successor organization, pursuant to subsection 1 may be shared with the SafeVoice Program established pursuant to NRS 388.1455.

Sec. 2. NRS 388.1451 is hereby amended to read as follows:

388.1451 As used in NRS 388.1451 to 388.1459, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.1452 to 388.14535, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

A university, state college or community college within the System shall ensure that information relating to mental health resources appears on ~~the back of~~ any identification card newly issued to students or reprinted for a student of the university, state college or community college. The information must include, without limitation ~~the~~

~~*1. The telephone number and a text messaging option for a national suicide prevention hotline;*~~

~~*2. The telephone number for a local suicide prevention hotline, if available;*~~

~~3. The telephone number for a national network of local crisis centers; and~~

~~4. A statement describing how to access an emotional support service through, without limitation, a hotline, an Internet website, a mobile telephone application or a text messaging application.~~ the National Suicide Prevention Lifeline, or its successor organization.

Sec. 4. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 127.

AN ACT relating to special license plates; abolishing the Commission on Special License Plates and transferring the duties and authorities of the Commission to the Department of Motor Vehicles; requiring the Department to hold public meetings and comply with certain notice requirements for such public meetings before approving or disapproving an application for the design, preparation and issuance of a special license plate; requiring the ~~(Department)~~ **Legislative Auditor** to compile certain reports and submit such reports to **the Department and** the Director of the Legislative Counsel Bureau for transmittal to the Legislature or Legislative Commission, as applicable; ~~requiring the Department to submit certain final written reports from the Legislative Auditor to the Legislature or Legislative Commission, as applicable;~~ transferring certain duties and authorities relating to certain actions concerning charitable organizations from the Commission to the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Special License Plates and requires the Commission to recommend to the Department of Motor Vehicles whether to approve or disapprove: (1) applications for the design, preparation and issuance of special license plates; (2) the issuance by the Department of special license plates that have been designed and prepared by the Department; and (3) applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature. When making such recommendations, existing law requires the Commission to consider whether it would be appropriate and feasible for the Department to design, prepare or issue the particular special license plate. Existing law requires the Commission to: (1) compile a list of each special license plate which the Commission, during the immediately preceding fiscal year, recommended that the Department approve; and (2) recommend that the Department approve or

disapprove any proposed change in the distribution of money received through certain means. (NRS 482.367004) **Section 17** of this bill abolishes the Commission. **Sections 1-16** of this bill transfer the duties and authorities of the Commission to the Department.

Section 1 of this bill requires the Department to hold a public meeting before determining whether to approve or disapprove: (1) an application for the design, preparation and issuance of a special license plate; and (2) an application for the design, preparation and issuance of a special license plate that has been authorized by an act of the Legislature. When making such determinations, **section 1** requires the Department to consider whether it would be appropriate and feasible for the Department to design, prepare and issue the particular license plate. **Section 1** requires the Department to comply with certain notice requirements before holding such a public meeting. **Section 1** authorizes the Department to design and prepare a special license plate if the Department: (1) determines that the application complies with certain requirements; and (2) approves the application for the special license plate after holding the public meeting. **Section 1** authorizes the Department to issue a special license plate that: (1) the Department has designed and prepared; and (2) complies with the requirements for the issuance of license plates in general. **Section 1** requires the Department to annually: (1) compile a list of each special license plate which the Department designed and prepared or determined to issue during the immediately preceding fiscal year; and (2) compile and submit a report that contains certain information relating to special reports to the Director of the Legislative Counsel Bureau for transmittal to the Legislature if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.

Existing law establishes the procedure regarding certain determinations that the Commission is required to make relating to charitable organizations that receive additional fees from special license plates. (NRS 482.382765-482.38279) **Sections 8-13** transfer these duties to the Department.

Section 9 of this bill requires certain charitable organizations that receive certain fees to, on or before September 1 of each fiscal year, prepare a balance sheet for the immediately preceding fiscal year and file the balance sheet with the Legislative Auditor. Section 9 additionally provides that the Legislative Auditor shall require that certain information be provided by such charitable organizations and may request certain other information. Sections 10 and 11 of this bill require the Legislative Auditor to present certain final written reports to the Department and instead of to the Commission. Sections 10 and 11 require the Department to annually submit such reports to the Director of the Legislative Counsel Bureau for transmittal to the Legislature if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. **It, instead of the Commission on Special License Plates.**

Existing law requires the Commission to notify a charitable organization if the charitable organization has failed to comply with certain provisions or

standards relating to the finances of the organization. If the Commission decides to uphold its own determination that a charitable organization has failed to comply with the provisions or standards, the Commission is required to issue its decision in writing and may recommend that the Department take certain actions regarding the collection of additional fees or production of the particular design of special license plate. (NRS 482.38279) **Section 13** of this bill transfers such duties of the Commission to the Department.

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

Section 1. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of \$5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of \$20,000;

(f) Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and

(g) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

➡ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a **public** meeting of the ~~{Commission on Special License Plates,}~~ **Department held pursuant to subsection 4**, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. ***The Department shall hold a public meeting before determining whether to approve or disapprove:***

(a) *An application for the design, preparation and issuance of a special license plate that is submitted to the Department pursuant to subsection 1; and*

(b) *Except as otherwise provided in subsection 6, an application for the design, preparation and issuance of a special license plate that has been authorized by an act of the Legislature after January 1, 2007.*

↪ *In determining whether to approve such an application, the Department shall consider, without limitation, whether it would be appropriate and feasible for the Department to design, prepare and issue the particular special license plate. The Department shall consider each application in the chronological order in which the application was received by the Department.*

5. *Before holding a public meeting pursuant to subsection 4, the Department shall:*

(a) *At least 30 days before the public meeting is held, notify:*

(1) *The person who requested the special license plate pursuant to subsection 1; and*

(2) *The charitable organization for which the special license plate is intended to generate financial support, if any; and*

(b) *Post a notice of the public meeting that complies with chapter 241 of NRS.*

6. *The provisions of paragraph (b) of subsection 4 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817.*

7. *The Department may design and prepare a special license plate requested pursuant to subsection 1 if ~~it~~:*

~~—(a) The Department determines:~~

(a) *Determines* that the application for that plate complies with subsection 2; and

(b) ~~{The Commission on Special License Plates recommends to the Department that the Department approve}~~ *Approves* the application for that plate ~~pursuant to subsection 5 of NRS 482.367004.~~

~~—5.} after holding the public meeting required pursuant to subsection 4.~~

8. *Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:*

(a) *The Department has designed and prepared pursuant to subsection 7; and*

(b) *Complies with the requirements of subsection 6 of NRS 482.270,*

↪ *for any 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 a special license plate issued pursuant to this section if that person pays the fees for*

personalized prestige license plates in addition to the fees for the special license plate.

9. Upon making a determination to issue a special license plate pursuant to ~~this section,~~ **subsection 8**, the Department shall notify:

(a) The person who requested the special license plate pursuant to subsection 1; *and*

(b) The charitable organization for which the special license plate is intended to generate financial support, if any. ~~†; and~~

~~—(c) The Commission on Special License Plates.~~

~~—6. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:~~

~~—(a) The Department has designed and prepared pursuant to this section;~~

~~—(b) The Commission on Special License Plates has recommended the Department approve for issuance pursuant to subsection 5 of NRS 482.367004; and~~

~~—(c) Complies with the requirements of subsection 6 of NRS 482.270.~~

~~→ for any 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 a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.~~

~~—7.†~~ **10.** The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate;

(b) If the Department distributes the additional fees collected on behalf of a charitable organization to another charitable organization pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279 and the surety bond has not been released to the initial charitable organization; or

(c) If 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, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 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.†~~ **11.** 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.

12. On or before September 1 of each fiscal year, the Department shall compile a list of each special license plate the Department, during the immediately preceding fiscal year, has designed and prepared pursuant to subsection 7 or has issued pursuant to subsection 8. The list 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 Department shall make that information available on its Internet website.

13. On or before January 31 of each year, the Department shall:

(a) Compile a report that contains information detailing:

(1) The requests submitted pursuant to subsection 1;

(2) The list compiled pursuant to subsection 12 for the immediately preceding fiscal year;

(3) Any special license plates that the Department will no longer issue pursuant to NRS 482.367008;

(4) The results of any activities conducted pursuant to NRS 482.38272 to 482.38279, inclusive; and

(5) Any actions taken by the Department pursuant to subsections 4 and 5 of NRS 482.38279; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.

Sec. 2. 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 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; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817, 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;~~ **482.367002**, 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~~ **must** approve the design, preparation and issuance of the special plates as described in ~~paragraphs (a) and (b) of subsection 5 of~~ NRS ~~482.367004;~~ **482.367002**; 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. 3. 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~~ **approves** the application for the authorized plate pursuant to NRS ~~482.367004.~~ **482.367002.**

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817.

Sec. 4. NRS 482.37904 is hereby amended to read as follows:

482.37904 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]~~ **approves** the design, preparation and issuance of those plates as described in NRS ~~482.367004;~~ **482.367002;** 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. 5. NRS 482.379375 is hereby amended to read as follows:

482.379375 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Reno Recreation and Parks Commission or its successor, shall design, prepare and issue license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless:

(a) The ~~{Commission on Special License Plates recommends to the Department {that the Department approve}~~ **approves** the design, preparation and issuance of those plates as described in NRS ~~{482.367004;}~~ **482.367002;** and

(b) The Department receives at least 1,000 applications for the issuance of those plates.

2. If the ~~{Commission on Special License Plates recommends to the Department {that the Department approve}~~ **approves** the design, preparation and issuance of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsection 1, and the Department receives at least 1,000 applications for the issuance of the license plates, the Department shall issue those plates 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 for the support and enhancement of parks, recreation facilities and programs in the City of Reno if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsections 3 and 4.

3. The fee for license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno 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 distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 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 section to the City Treasurer of the City of Reno to be used to pay for the support and enhancement of parks, recreation facilities and programs in the City of Reno.

6. 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. 6. NRS 482.37939 is hereby amended to read as follows:

482.37939 1. Except as otherwise provided in subsection 2, the Department, in cooperation with the Nevada Firearms Coalition or its successor, shall design, prepare and issue license plates which indicate support for the rights guaranteed by the Second Amendment to the United States Constitution, 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}~~ **approves** the design, preparation and issuance of those plates as described in NRS ~~{482.367004;}~~ **482.367002;** 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 the rights guaranteed by the Second Amendment to the United States Constitution 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 the rights guaranteed by the Second Amendment to the United States Constitution 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 the rights guaranteed by the Second Amendment to the United States Constitution pursuant to subsections 4 and 5.

4. The fee for license plates which indicate support for the rights guaranteed by the Second Amendment to the United States Constitution is \$35, in addition to all other applicable registration and license fees and

governmental services taxes. The license plates are renewable upon the payment of \$10.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates which indicate support for the rights guaranteed by the Second Amendment to the United States Constitution 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 Nevada Firearms Coalition or its successor for use only to provide or pay for firearm training or firearm safety education.

7. The Department must promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2:

(a) If the Department ~~is based upon the recommendation of the Commission on Special License Plates,~~ determines not to issue the special license plate; or

(b) If 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. 7. NRS 482.37947 is hereby amended to read as follows:

482.37947 1. Except as otherwise provided in subsection 2, the Department, in cooperation with the Boy Scouts of America, shall design, prepare and issue license plates that indicate support for the Boy Scouts of America using any colors 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~~ **approves** the design, preparation and issuance of those plates as described in NRS ~~482.367004;~~ **482.367002;** 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 that indicate support for the Boy Scouts of America 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 Boy Scouts of America 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 Boy Scouts of America pursuant to subsections 4 and 5.

4. The fee payable to the Department for license plates that indicate support for the Boy Scouts of America is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of \$10.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates that indicate support for the Boy Scouts of America must pay for the 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 Las Vegas Area Council of the Boy Scouts of America. The Las Vegas Area Council shall allocate the fees to itself and the Nevada Area Council of the Boy Scouts of America in proportion to the number of license plates issued pursuant to this section in the area represented by each area council. The fees must be used to assist boys from low-income families with the costs of participating in the Boy Scouts of America and to promote the Boy Scouts of America in schools.

7. The Department must promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:

(a) The Department ~~is based upon the recommendation of the Commission on Special License Plates,~~ determines not to issue the special license plate; or

(b) If 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. 8. NRS 482.382765 is hereby amended to read as follows:

482.382765 1. Upon receiving notification by the Department pursuant to subsection ~~4~~ **9** of NRS 482.367002 that a special license plate that is intended to generate financial support for an organization will be issued by the Department, or upon a determination pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279 to distribute additional fees from a special license plate to the charitable organization, a charitable organization, not including a governmental entity whose budget is in the executive budget, that is to receive additional fees shall, if the charitable organization wishes to award grants with any of the money received in the form of additional fees, submit to the ~~{Commission on Special License Plates}~~ **Department** in writing the methods and procedures to be used by the charitable organization in awarding such grants, including, without limitation:

(a) A copy of the application form to be used by any person or entity seeking a grant from the charitable organization;

(b) The guidelines established by the charitable organization for the submission and review of applications to receive a grant from the charitable organization; and

(c) The criteria to be used by the charitable organization in awarding such a grant.

2. Upon receipt of the information required, the ~~{Commission}~~ **Department** shall review the procedures to determine if the methods and procedures are adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient. If the ~~{Commission}~~ **Department** determines that the methods and procedures are:

(a) Adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the ~~{Commission}~~ **Department** shall notify the charitable organization of that determination.

(b) Inadequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the ~~{Commission}~~ **Department** shall notify the charitable organization and request that the charitable organization submit a revised version of the methods and procedures to be used by the charitable organization in awarding grants.

3. A charitable organization may not award any grants of money received in the form of additional fees until the procedures and methods have been determined adequate by the ~~{Commission}~~ **Department** pursuant to subsection 2.

Sec. 9. NRS 482.38277 is hereby amended to read as follows:

482.38277 1. Except as otherwise provided in subsection 4, on or before September 1 of each fiscal year, each charitable organization, not including a

governmental entity whose budget is included in the executive budget, that receives additional fees shall prepare a balance sheet for the immediately preceding fiscal year on a form provided by the ~~{Commission on Special License Plates-Department}~~ **Legislative Auditor** and file the balance sheet, accompanied by a recent bank statement, with the ~~{Commission-Department}~~ **Legislative Auditor**. The ~~{Commission-Department}~~ **Legislative Auditor** shall prepare and make available, or cause to be prepared and made available, a form that must be used by a charitable organization to prepare such a balance sheet.

2. Except as otherwise provided in subsection 4, on or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall provide to the ~~{Commission}~~ **Legislative Auditor** and the Department:

(a) A list of the names of the persons, whether or not designated officers, who are responsible for overseeing the operation of the charitable organization;

(b) The current mailing address of the charitable organization;

(c) The current telephone number of the charitable organization;

(d) A report on the budget of the charitable organization, including, without limitation:

(1) A copy of the most recent annual budget of the charitable organization; and

(2) A description of how all money received by the charitable organization in the form of additional fees was expended, including, without limitation, how that money was expended by the charitable organization, or any recipient or awardee of that money from the charitable organization; and

(e) A copy of the most recent federal tax return of the charitable organization, if any, including all schedules related thereto.

3. On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall post on the Internet website of the charitable organization or, if no such Internet website exists, publish in a newspaper of general circulation in the county where the charitable organization is based, the most recent federal tax return of the charitable organization, if any, including all schedules related thereto.

4. A charitable organization, not including a governmental entity whose budget is included in the executive budget, is not required to comply with the provisions of subsection 1 or 2, unless requested by the ~~{Commission}~~ **Legislative Auditor or the Department** if it receives additional fees:

(a) In an amount less than \$10,000 in a fiscal year; or

(b) From special license plates which are no longer in production.

5. The Legislative Auditor shall prescribe:

(a) The form and content of the balance sheets required to be filed pursuant to subsection 1; and

(b) Any additional information that must accompany the balance sheets and bank statements required to be filed pursuant to subsection 1, including, without limitation, the methods and procedures used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient.

~~{6. The Commission-Department shall provide to the Legislative Auditor:
(a) A copy of each balance sheet and bank statement that it receives from a charitable organization pursuant to subsection 1; and
(b) A copy of the information that it receives from a charitable organization pursuant to subsection 2.}~~

Sec. 10. NRS 482.38278 is hereby amended to read as follows:

482.38278 1. On or before September 30 following the end of each fiscal year, the Legislative Auditor shall ~~{present}~~ **submit a final written report with respect to the charitable organizations that have filed with the Legislative Auditor a balance sheet pursuant to subsection 1 of NRS 482.38277 to the Commission on Special License Plates**;

~~(a) The Department fa final written report with respect to the charitable organizations for which the Commission-Department provided to the Legislative Auditor a balance sheet pursuant to subsection 6 of NRS 482.38277.}; and~~

~~(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.~~

2. ~~{The final written report must be distributed to each member of the Commission-the Director before the report is presented to the Commission-Department.~~

~~3.}~~ Along with any statement of explanation or rebuttal from the ~~{audited}~~ charitable organization, the final written report may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the ~~{Commission or the}~~ Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

~~{1. On or before January 31 of each year, the Department shall submit the final written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.}~~

Sec. 11. NRS 482.382785 is hereby amended to read as follows:

482.382785 1. The ~~{Commission on Special License Plates}~~ **Department** may request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization if the ~~{Commission on Special License Plates;}~~ **Department:**

(a) Has reasonable cause to believe or has received a credible complaint that the charitable organization has filed with the ~~{Commission on Special License Plates or the}~~ Department forms or records that are inadequate or inaccurate, has committed improper practices of financial administration, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; or

(b) Determines that an audit is reasonably necessary to assist the ~~{Commission on Special License Plates}~~ **Department** in administering ~~{any provision of this chapter which it is authorized or required to administer.}~~ **NRS 482.3667 to 482.38279, inclusive.**

2. If the Legislative Commission directs the Legislative Auditor to perform an audit of a charitable organization, the Legislative Auditor shall:

(a) Conduct the audit and prepare a final written report of the audit; and

(b) Distribute a copy of the final written report to ~~each member of~~ the ~~{Commission on Special License Plates;}~~ **Director, ~~if and~~**

~~—(c) Present the final written report to the Commission on Special License Plates at its next regularly scheduled meeting. **Department.**}~~

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report of the audit may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the ~~{Commission on Special License Plates or the}~~ Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

~~**1. On or before January 31 of each year, the Department shall submit the final written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.**~~

Sec. 12. NRS 482.382787 is hereby amended to read as follows:

482.382787 All documents and information submitted to the ~~{Commission}~~ **Department** pursuant to NRS 482.382765 to 482.382785,

inclusive, by a charitable organization that is to receive additional fees, not including a governmental entity whose budget is in the executive budget, are public records and are available for public inspection as provided in chapter 239 of NRS.

Sec. 13. NRS 482.38279 is hereby amended to read as follows:

482.38279 1. If the ~~{Commission on Special License Plates}~~ **Department** determines that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or if, in a report provided to the ~~{Commission}~~ **Department** by the Legislative Auditor pursuant to NRS 482.38278 or 482.382785, the Legislative Auditor determines that a charitable organization has committed improper practices of financial administration, has filed with the ~~{Commission or the}~~ Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the ~~{Commission}~~ **Department** shall notify the charitable organization of that determination.

2. A charitable organization may request in writing a hearing, within 20 days after receiving notification pursuant to subsection 1, to respond to the determinations of the ~~{Commission}~~ **Department** or Legislative Auditor. The hearing must be held not later than 30 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

3. The ~~{Commission}~~ **Department** shall issue a decision on whether to uphold the original determination of the ~~{Commission}~~ **Department** or the Legislative Auditor or to overturn that determination. The decision required pursuant to this subsection must be issued:

- (a) Immediately after the hearing, if a hearing was requested; or
- (b) Within 30 days after the expiration of the 20-day period within which a hearing may be requested, if a hearing was not requested.

4. If the ~~{Commission}~~ **Department** decides to uphold its own determination that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or decides to uphold the determination of the Legislative Auditor that the organization has committed improper practices of financial administration, has filed with the ~~{Commission or the}~~ Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the ~~{Commission}~~ **Department** shall issue its decision in writing and may : ~~recommend that the Department;~~

(a) Terminate production and distribution of the particular design of the special license plate and collection of all additional fees collected on behalf of the charitable organization, and allow any holder of the special license plate to continue to renew the plate without paying the additional fee;

(b) Suspend the production and distribution of the particular design of special license plates and collection of all additional fees collected on behalf of the charitable organization, if the Department is still producing that design

and allow any holder of the special license plate to renew the plate without paying the additional fee; or

(c) Suspend the distribution of all additional fees collected on behalf of the charitable organization for a specified period and allow the production and distribution of the special license plate and the collection of additional fees to continue if the Department is still producing that design, and allow holders of the special license plates to renew the plate with the payment of the additional fees.

5. If the ~~{Commission recommends that the}~~ Department ~~{take}~~ **takes** the action described in paragraph (c) of subsection 4, the Department ~~{, in consultation with the Commission,}~~ shall inform the charitable organization in writing of the corrective actions that must be taken and upon conclusion of the suspension determine whether the charitable organization completed the corrective actions. If the Department ~~{, in consultation with the Commission,}~~ determines that the charitable organization:

(a) Completed the corrective actions, the Department ~~{, in consultation with the Commission,}~~ may terminate the suspension and forward to the charitable organization any additional fees collected on behalf of the charitable organization during the suspension.

(b) Has not completed the corrective actions, the Department ~~{, in consultation with the Commission,}~~ may:

(1) Extend the period of the suspension, but not more than one time;

(2) Terminate production and distribution of the special license plate and collection of all additional fees on behalf of the charitable organization, allow any holders of the special license plate to renew the plate without paying the additional fee and distribute all fees collected during the suspension in a manner determined by the Department ; ~~{, in consultation with the Commission,}~~ or

(3) Continue production and distribution of the special license plate and ~~{, in consultation with the Commission,}~~ distribute all additional fees collected, including any fees held during the suspension, to another charitable organization that:

(I) Submits an application to the Department on a form prescribed and furnished by the Department;

(II) Meets all applicable requirements of subsection 1 of NRS 482.367002 for a charitable organization seeking to receive financial support from a special license plate; and

(III) Provides evidence satisfactory to the Department ~~{, in consultation with the Commission,}~~ that the additional fees collected on behalf of the charitable organization will be used for a purpose similar to the purpose for which the additional fees were intended to be used by the initial charitable organization.

6. If, in accordance with subsection 4 or paragraph (b) of subsection 5, the ~~{Commission recommends that the}~~ Department **determines to** take adverse action against a charitable organization, the ~~{Commission}~~ **Department** shall

notify the charitable organization, in writing, of that fact within 30 days after making the ~~recommendation~~ **determination** and include a description of any necessary corrective action that must be taken by the charitable organization, if applicable. A charitable organization aggrieved by a ~~recommendation~~ **determination** of the ~~Commission~~ **Department** may, within 30 days after the date on which it received notice of the ~~recommendation~~ **determination**, submit to the Department any facts, evidence or other information that it believes is relevant to the propriety of the ~~Commission's recommendation~~ **Department's determination**. Within 30 days after receiving all facts, evidence and other relevant information submitted to the Department by the aggrieved charitable organization, the Department shall render a decision, in writing, as to whether the Department ~~accepts or rejects the Commission's recommendation~~ **decides to uphold or not uphold its determination to take adverse action against the charitable organization**. The decision of the Department is a final decision for the purpose of judicial review.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 16. 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. 17. NRS 482.367004 is hereby repealed.

Sec. 18. 1. This section and sections 1, 2, 3 and 5 to 17, inclusive, of this act become effective on October 1, 2021.

2. Section 4 of this act becomes 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 establishes Tule Springs State Park.

TEXT OF REPEALED SECTION

482.367004 Commission on Special License Plates: Creation; membership; term; service without salary or compensation; administrative support; duties.

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 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817.

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, including, without limitation, pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279. 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.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 64.

AN ACT relating to homelessness; revising requirements concerning the provision of health care to a minor without the consent of his or her parents or legal guardian in certain circumstances; revising provisions requiring the State Registrar to provide certain certificates to a homeless person free of charge in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a minor to consent to certain services provided to himself or herself or for his or her child by a local or state health officer, board of health, licensed physician or hospital if the minor: (1) has been living apart from his or her parents or legal guardian for at least 4 months; (2) is married or has been married; (3) is a mother, or has borne a child; or (4) is in danger of suffering a serious health hazard if health care services are not provided. (NRS 129.030) **Section 1** of this bill: **(1) authorizes a minor who meets any of those criteria to consent to an examination or services provided by certain additional providers of health care; and (2) additionally authorizes a minor who is a father to consent to such an examination or services.** **Section 1** also: (1) removes the requirement that a minor must have lived apart from his or her parents or legal guardian for a period of at least 4 months in order to provide such consent; and (2) prescribes the manner in which a minor may demonstrate that he or she is living apart from his or her parents or legal guardian.

Existing law requires a person from whom a minor requests treatment under the conditions described above to make prudent and reasonable efforts to obtain the consent of the minor to communicate with his or her parent, parents or legal guardian. (NRS 129.030) **Section 1** prohibits such a person from delaying or denying an examination or services because the minor refuses to consent to communication with his or her parent, parents or legal guardian.

Existing law provides that a parent or legal guardian of a minor receiving treatment under the conditions described above is not responsible for paying the cost of that treatment unless the parent or guardian has consented to such treatment. (NRS 129.030) Section 1 additionally provides that a legal custodian of the minor is not responsible for such costs unless the custodian has consented to such treatment.

Existing law generally requires the State Registrar to charge a fee for a certified copy of a record of birth. Existing law prohibits the State Registrar from charging such a fee to a homeless person, including, without limitation,

a homeless child or youth, who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless. (NRS 440.700) **Section 2** of this bill: (1) eliminates the requirement of the submission of a signed affidavit and instead requires the submission of a statement signed under penalty of perjury; and (2) prohibits the State Registrar from requiring such a statement to be notarized.

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

Section 1. NRS 129.030 is hereby amended to read as follows:

129.030 1. Except as otherwise provided in NRS 450B.525, a minor may give consent for ***an examination or*** the services provided in subsection ~~12~~ **3** for himself or herself or for his or her child, if the minor: ~~is:~~

(a) ~~Living~~ ***Demonstrates in accordance with subsection 2 that he or she is living*** apart from his or her parents or legal guardian, with or without the consent of the parent, parents or legal guardian; ~~and has so lived for a period of at least 4 months;~~

(b) ~~Married~~ ***Is married*** or has been married;

(c) ~~A~~ ***Is a*** ~~mother,~~ ***parent,*** or has borne a child; or

(d) ~~He~~ ***Is, in a physician's*** ~~the~~ ***judgment of a provider of health care,*** in danger of suffering a serious health hazard if health care services are not provided.

2. ***A minor may demonstrate that he or she is living apart from his or her parents or legal guardian pursuant to paragraph (a) of subsection 1 by providing to the person from whom an examination or services are requested documentary proof that he or she is living apart from his or her parents or legal guardian. Such documentary proof may include, without limitation:***

(a) A written statement affirming that the minor is living separately from his or her parents or legal guardian signed by:

(1) A director of a governmental agency or nonprofit organization that provides services to persons who are experiencing homelessness or the designee of the director of such an agency or organization;

(2) A school social worker, a school counselor or a person designated as a local educational agency liaison for homeless children and youths pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii); or

(3) An attorney representing the minor in any manner;

(b) Documentation that the minor has been placed in protective custody;
or

(c) A copy of a decree of emancipation or proof that a petition for such a decree has been filed.

3. Except as otherwise provided in subsection ~~44~~ **5** and NRS 449A.551 and 450B.525, the consent of the parent or parents or the legal guardian of a minor is not necessary for a local or state health officer, board of health, licensed ~~physician~~ ***provider of health care*** or public or private hospital to examine or provide ~~treatment~~ ***physical, behavioral, dental or mental health***

services for any minor, included within the provisions of subsection 1, who understands the nature and purpose of the proposed examination or ~~treatment~~ *services* and ~~its~~ *the* probable outcome, and voluntarily requests ~~it~~ *the proposed examination or services*. The consent of the minor to examination or ~~treatment~~ *services* pursuant to this subsection is not subject to disaffirmance because of minority.

~~3-1~~ 4. A person who ~~treats~~ *provides an examination or services to* a minor pursuant to subsection ~~2-1~~ 3 shall, before initiating ~~treatment~~ *the examination or services*, make prudent and reasonable efforts to obtain the consent of the minor to communicate with his or her parent, parents or legal guardian, and shall make a note of such efforts in the record of the minor's care. If the person believes that such efforts would jeopardize ~~treatment~~ *the examination or services* necessary to the minor's life or necessary to avoid a serious and immediate threat to the minor's health, the person may omit such efforts and note the reasons for the omission in the record.

~~4-1~~ *The person shall not delay or deny the examination or services because the minor refuses to consent to communication with his or her parent, parents or legal guardian.*

5. A minor may not consent to his or her sterilization.

~~5-1~~ 6. In the absence of *professional* negligence, no person providing *an examination or* services pursuant to subsection ~~2-1~~ 3 is subject to civil or criminal liability for providing *that examination or* those services.

~~6-1~~ 7. The parent, parents, ~~or~~ legal guardian *or custodian* of a minor who receives *an examination or* services pursuant to subsection ~~2-1~~ 3 are not liable for the payment for *that examination or* those services unless the parent, parents, ~~or~~ legal guardian *or custodian* has consented to ~~such health care~~ *the examination or* services. The provisions of this subsection do not relieve a parent, parents, ~~or~~ legal guardian *or custodian* from liability for payment for emergency services provided to a minor pursuant to NRS 129.040.

8. *As used in this section:*

(a) *"Custodian" has the meaning ascribed to it in NRS 432B.060.*

(b) *"Professional negligence" has the meaning ascribed to it in NRS 41A.015.*

~~4-1~~ (c) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 2. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

- (a) For searching the files for one name, if no copy is made.
- (b) For verifying a vital record.
- (c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.
- (d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of \$3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of \$1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The fee collected for furnishing a copy of a certificate of death must include the sum of 50 cents for credit to the Grief Support Trust Account created by NRS 439.5132.

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person, including, without limitation, a homeless child or youth, who submits ~~to a signed affidavit~~ on a form prescribed by the State Registrar ~~stating~~ **a statement signed under penalty of perjury** that the person is homeless. ***The State Registrar shall not require such a statement to be notarized.***

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A staff person of a local educational agency who has been designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) for a certified copy of a record of birth of a homeless child or youth who is enrolled in the local educational agency.

(d) A social worker licensed to practice in this State, for a certified copy of a record of birth of a homeless child or youth who is a client of the social worker.

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of \$4 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian or an unaccompanied youth, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child or of the unaccompanied youth as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

9. As used in this section:

(a) “Homeless child or youth” has the meaning ascribed to it in 42 U.S.C. § 11434a.

(b) “Local educational agency” has the meaning ascribed to it in 42 U.S.C. § 11434a.

(c) “Unaccompanied youth” has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 154.

AN ACT relating to controlled substances; authorizing certain health care professionals to issue an order for an opioid antagonist to a public or private school; authorizing public and private schools to obtain and maintain opioid antagonists under certain conditions; providing immunity to certain persons for acts or omissions relating to the acquisition, possession, provision or administration of auto-injectable epinephrine or opioid antagonists in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain physicians, physician assistants and advanced practice registered nurses to prescribe and dispense an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose, or to a family member, friend or other person who is in a position to assist a person experiencing an opioid-related drug overdose. (Chapter 453C of NRS,

NRS 453C.100) Existing law also authorizes certain health care professionals to issue an order for auto-injectable epinephrine to a public or private school to be maintained at the school for the treatment of anaphylaxis that may be experienced by any pupil at the school. (NRS 630.374, 632.239, 633.707) **Section 1** of this bill authorizes certain health care professionals to issue such an order for opioid antagonists to a public or private school for the treatment of an opioid-related drug overdose that may be experienced by any person at the school. **Section 1** also provides that a health care professional is not subject to disciplinary action for issuing such an order to a school.

Existing law requires each public school, including each charter school, to obtain an order from certain health care professionals for auto-injectable epinephrine to maintain the drug at the school. (NRS 386.870) Existing law similarly authorizes a private school to obtain and maintain auto-injectable epinephrine at the school. (NRS 394.1995) **Sections 5 and 8** of this bill authorize a public or private school, respectively, to obtain an order for an opioid antagonist. If a public or private school obtains such an order, **sections 2, 5 and 8** of this bill authorize a school nurse or other designated employee of the public or private school, as applicable, who has received training in the storage and administration of opioid antagonists to administer an opioid antagonist to any person on the premises of the school who is reasonably believed to be experiencing an opioid-related drug overdose. **Section 4** of this bill: (1) establishes requirements relating to the storage, handling and transportation of opioid antagonists in public schools; and (2) requires each school district and charter school to report to the Division of Public and Behavioral Health of the Department of Health and Human Services the number of doses of opioid antagonists administered at each public school during each school year. **Sections 5 and 8** require the board of trustees of each school district and the governing body of each charter or private school that obtains an order for an opioid antagonist to establish a policy to ensure: (1) that emergency assistance is sought each time a person experiences an opioid-related drug overdose on the premises of the school; and (2) the parent or guardian of a pupil to whom an opioid antagonist is administered is notified as soon as practicable. **Sections 5-8** of this bill require training in the storage and administration of opioid antagonists to be provided to designated employees of a public or private school that obtains an order for an opioid antagonist. **Sections 5 and 8** exempt a school, school district, employee of a school and certain other persons affiliated with a school from liability for certain damages relating to the acquisition, possession, provision or administration of auto-injectable epinephrine or an opioid antagonist not amounting to gross negligence or reckless, willful or wanton conduct ~~[-]~~, **if the auto-injectable epinephrine or opioid antagonist is provided or administered during the rendering of emergency care or assistance during an emergency.**

Section 9 of this bill requires a registered pharmacist to transfer an order for an opioid antagonist to another registered pharmacist at the request of a public or private school for which the order was issued. **Section 9** also exempts a

pharmacist who dispenses an opioid antagonist pursuant to such an order from liability for certain damages relating to the acquisition, possession, provision or administration of an opioid antagonist not amounting to gross negligence or reckless, willful or wanton conduct.

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

Section 1. Chapter 453C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, a health care professional authorized to prescribe an opioid antagonist may issue to a public or private school an order to allow the school to obtain and maintain an opioid antagonist at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of an opioid-related drug overdose.

2. An order issued pursuant to subsection 1 must contain:

(a) The name and signature of the health care professional and the address of the health care professional if not immediately available to the pharmacist;

(b) The classification of the license of the health care professional;

(c) The name of the public or private school to which the order is issued;

(d) The name, strength and quantity of the opioid antagonist authorized to be obtained and maintained by the order; and

(e) The date of issue.

3. A health care professional is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 to a public or private school and without knowledge of a specific natural person who requires the medication.

4. A health care professional is not liable for any error or omission concerning the acquisition, possession, provision or administration of an opioid antagonist maintained by a public or private school pursuant to an order issued by the health care professional pursuant to subsection 1 not resulting from gross negligence or reckless, willful or wanton conduct of the health care professional. 5. *As used in this section:*

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 2. NRS 454.303 is hereby amended to read as follows:

454.303 *1.* A school nurse or other employee of a public or private school who is authorized pursuant to NRS 386.870 or 394.1995 to administer auto-injectable epinephrine *or an opioid antagonist* may possess and administer auto-injectable epinephrine *or an opioid antagonist, as applicable*, maintained by the school if the school nurse or other employee has received training in the proper storage and administration of auto-injectable epinephrine

or the opioid antagonist, as applicable, as required by NRS 386.870 or 394.1995.

2. *As used in this section, “opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in NRS 386.865, 386.870 and 386.875, “opioid antagonist” has the meaning ascribed to it in NRS 453C.040.

Sec. 4. NRS 386.865 is hereby amended to read as follows:

386.865 1. Each public school shall ensure that auto-injectable epinephrine *and any opioid antagonist* maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.

2. Each school district shall establish a policy for the schools within the district, other than charter schools, regarding the proper handling and transportation of auto-injectable epinephrine ~~†~~ *and opioid antagonists*.

3. Not later than 30 days after the last day of each school year, each school district and charter school shall submit a report to the Division of Public and Behavioral Health of the Department of Health and Human Services identifying the number of doses of auto-injectable epinephrine *and opioid antagonists* that were administered at each public school within the school district or charter school, as applicable, during the school year.

Sec. 5. NRS 386.870 is hereby amended to read as follows:

386.870 1. Each public school, including, without limitation, each charter school, shall obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse, for auto-injectable epinephrine pursuant to NRS 630.374, 632.239 or 633.707 and acquire at least two doses of the medication to be maintained at the school. If a dose of auto-injectable epinephrine maintained by the public school is used or expires, the public school shall ensure that at least two doses of the medication are available at the school and obtain additional doses to replace the used or expired doses if necessary.

2. *A public school, including, without limitation, a charter school, may obtain an order from a health care professional for an opioid antagonist pursuant to section 1 of this act to be maintained at the school. If a dose of an opioid antagonist maintained by the public school is used or expires, the public school may obtain an additional dose of the opioid antagonist to replace the used or expired opioid antagonist.*

3. Auto-injectable epinephrine *or an opioid antagonist* maintained by a public school pursuant to this section may be administered:

(a) At a public school other than a charter school, by a school nurse or any other employee of the public school who has been designated by the school nurse and has received training in the proper storage and administration of auto-injectable epinephrine ~~†~~ *or the opioid antagonist, as applicable*; or

(b) At a charter school, by ~~the~~ *an* employee designated to be authorized to administer auto-injectable epinephrine *or the opioid antagonist, as*

applicable, pursuant to NRS 388A.547 if the person has received the training in the proper storage and administration of auto-injectable epinephrine ~~††~~ *or the opioid antagonist, as applicable.*

~~††~~ 4. A school nurse or other designated employee of a public school may administer ~~auto-injectable~~ :

(a) *Auto-injectable* epinephrine maintained at the school to any pupil on the premises of the public school during regular school hours whom the school nurse or other designated employee reasonably believes is experiencing anaphylaxis.

~~††~~ (b) *An opioid antagonist maintained at the school to any person on the premises of the public school whom the school nurse or other designated employee reasonably believes is experiencing an opioid-related drug overdose.*

5. *The governing body of each charter school and the board of trustees of each school district that obtains an order for an opioid antagonist pursuant to subsection 2 shall adopt a policy to ensure that:*

(a) *Emergency assistance is sought each time a person experiences an opioid-related drug overdose on the premises of the school; and*

(b) *The parent or guardian of each pupil to whom an opioid antagonist is administered is notified as soon as practicable.*

6. A public school may accept gifts, grants and donations from any source for the support of the public school in carrying out the provisions of this section, including, without limitation, the acceptance of auto-injectable epinephrine *or opioid antagonists* from a manufacturer or wholesaler of auto-injectable epinephrine ~~††~~ *or opioid antagonists.*

7. *A public school, school district, member of the board of trustees of a school district or governing body of a charter school or employee of a school district or charter school is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine or an opioid antagonist maintained at a public school pursuant to this section not resulting from gross negligence or reckless, willful or wanton conduct of the school, school district, member or employee, as applicable ~~††~~ , if the auto-injectable epinephrine or opioid antagonist is provided or administered during the rendering of emergency care or assistance during an emergency.*

8. *As used in this section:*

(a) *“Health care professional” has the meaning ascribed to it in NRS 453C.030.*

(b) *“Opioid-related drug overdose” has the meaning ascribed to it in NRS 453C.050.*

Sec. 6. NRS 388A.547 is hereby amended to read as follows:

388A.547 1. Each charter school shall designate one or more employees of the school who is authorized to administer auto-injectable epinephrine.

2. *Each charter school that obtains an order from a health care professional for an opioid antagonist pursuant to section 1 of this act shall*

designate at least two employees of the school who are authorized to administer the opioid antagonist.

3. Each charter school shall ensure that each person so designated *to administer medication pursuant to subsection 1 or 2* receives training in the proper storage and administration of auto-injectable epinephrine ~~††~~ *or opioid antagonists, as applicable.*

4. *As used in this section, “opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

Sec. 7. NRS 391.291 is hereby amended to read as follows:

391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate ~~employees~~
:

(1) *Employees* of the school who are authorized to administer auto-injectable epinephrine; and

(2) *If the school has obtained an order for an opioid antagonist pursuant to subsection 2 of NRS 386.870, at least two employees of the school who are authorized to administer the opioid antagonist.*

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine ~~††~~ *or opioid antagonists, as applicable.*

4. *As used in this section, “opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

Sec. 8. NRS 394.1995 is hereby amended to read as follows:

394.1995 1. A private school may obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse for auto-injectable epinephrine pursuant to NRS 630.374, 632.239 or 633.707 to be maintained at the school. If a dose of auto-injectable epinephrine maintained by the private school is used or expires, the private school may obtain additional doses of auto-injectable epinephrine to replace the used or expired auto-injectable epinephrine.

2. *A private school may obtain an order from a health care professional for an opioid antagonist pursuant to section 1 of this act to be maintained at the school. If a dose of an opioid antagonist maintained by the private school*

is used or expires, the private school may obtain an additional dose of the opioid antagonist to replace the used or expired opioid antagonist.

3. Auto-injectable epinephrine *or an opioid antagonist* maintained by a private school pursuant to this section may be administered by a school nurse or any other employee of the private school who has received training in the proper storage and administration of auto-injectable epinephrine ~~††~~ *or an opioid antagonist, as applicable.*

~~††~~ 4. A school nurse or other trained employee may administer ~~auto-injectable~~ :

(a) *Auto-injectable* epinephrine maintained at the school to any pupil on the premises of the private school during regular school hours whom the school nurse or other trained employee reasonably believes is experiencing anaphylaxis.

(b) *An opioid antagonist maintained at the school to any person on the premises of the school whom the school nurse or other designated employee reasonably believes is experiencing an opioid-related drug overdose.*

~~††~~ 5. A private school shall ensure that auto-injectable epinephrine *or any opioid antagonist* maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.

6. *The governing body of each private school that obtains an order for an opioid antagonist pursuant to subsection 2 shall adopt a policy to ensure that:*

(a) *Emergency assistance is sought each time a person experiences an opioid-related drug overdose on the premises of the school; and*

(b) *The parent or guardian of each pupil to whom an opioid antagonist is administered is notified as soon as practicable.*

7. *A private school or member of the governing body or employee thereof is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine or an opioid antagonist maintained at the private school pursuant to this section not resulting from gross negligence or reckless, willful or wanton conduct of the school, member or employee, as applicable ~~††~~, if the auto-injectable epinephrine or opioid antagonist is provided or administered during the rendering of emergency care or assistance during an emergency.*

8. *As used in this section:*

(a) *“Health care professional” has the meaning ascribed to it in NRS 453C.030.*

(b) *“Opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

(c) *“Opioid-related drug overdose” has the meaning ascribed to it in NRS 453C.050.*

Sec. 9. NRS 639.2357 is hereby amended to read as follows:

639.2357 1. Upon the request of a patient, or a public or private school or an authorized entity for which an order was issued pursuant to NRS 630.374, 632.239 or 633.707, *or section 1 of this act*, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

- (a) Any law or regulation of this State;
- (b) Federal law or regulation; or
- (c) A contract for payment by a third party if the patient is a party to that contract.

4. A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine *or an opioid antagonist* that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374, 632.239 or 633.707 *or section 1 of this act* not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.

5. As used in this section ~~1, “authorized”~~ :

(a) *“Authorized entity”* has the meaning ascribed to it in NRS 450B.710.

(b) *“Opioid antagonist”* has the meaning ascribed to it in NRS 453C.040.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

- (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- (b) On July 1, 2021, for all other purposes.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 97.

AN ACT relating to education; requiring the Department of Education to adopt regulations relating to the eligibility of certain persons to enroll in courses for an adult to earn a high school diploma; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing regulations, the Superintendent of Public Instruction or the State Board of Education may approve an application by a school district to operate an adult high school program. Existing regulations authorize enrollment in an adult high school program for a person who: (1) is at least 18 years of age or is eligible for participation in the statewide program of education for incarcerated persons established pursuant to existing law; (2) has

not received a high school diploma; and (3) is not currently enrolled in high school. (NRS 388H.020; NAC 387.190, 388H.040) This bill requires the Department of Education to adopt regulations that require the board of trustees of a school district that offers courses for an adult to earn a high school diploma to allow enrollment in such courses by a person who has not received a high school diploma and: (1) is at least 18 years of age or is eligible for participation in the statewide program of education for incarcerated persons; or (2) is at least 17 years of age and has ~~completed~~ **attended** at least 4 years of high school.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall adopt regulations that require the board of trustees of a school district that offers courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma to allow enrollment in such courses by a person who has not received a high school diploma and:

- 1. Is at least 18 years of age or meets the requirements for participation in the statewide program of education for incarcerated persons established pursuant to NRS 388H.020; or*
- 2. Is at least 17 years of age and has ~~completed~~ **attended** at least 4 years of high school.*

Sec. 2. 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. 3. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 67.

AN ACT relating to child welfare; prescribing the requirements governing the credentialing and operation of children's advocacy centers; providing that certain persons are immune from civil liability for certain actions or omissions in duties performed on behalf of or through a children's advocacy center; requiring the governing body of each county and each agency which provides child welfare services to ensure access to a children's advocacy center ~~for~~ **for certain children;** creating an account to support children's advocacy centers; **authorizing the disclosure of certain information to a multidisciplinary**

team of a children's advocacy center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the reporting and investigation of the abuse and neglect of children and the placement of children who are victims of abuse or neglect into safe living situations. (Chapter 432B of NRS) **Section 3** of this bill defines the term "children's advocacy center" to mean a public or private entity that provides an environment friendly to children where multidisciplinary teams made up of law enforcement officers, representatives of agencies which provide child welfare services, providers of health care, district attorneys or their deputies and victims' advocates work to: (1) investigate and help children recover from abuse and neglect; and (2) hold perpetrators of abuse and neglect of children accountable. **Sections 2, 4 and 5** of this bill define certain other terms related to children's advocacy centers. **Section 6** of this bill requires a children's advocacy center to hold certain membership with the National Children's Alliance and adhere to the standards prescribed by that organization, to the extent that those standards do not conflict with federal or state law, to operate in this State. **Section 6** provides that an employee or officer of a children's advocacy center or a member of a multidisciplinary team is immune from civil liability for certain actions or omissions in the performance of his or her duties if he or she acts in good faith. **Sections 6, 8 and 9** of this bill provide that information maintained by a children's advocacy center is generally confidential and may only be disclosed under the same circumstances as information maintained by an agency which provides child welfare services. **Section 8.5 of this bill authorizes the disclosure of information maintained by an agency which provides child welfare services to a multidisciplinary team. Section 6 requires : (1) a children's advocacy center to convene a multidisciplinary team to develop standards for the acceptance of cases by the children's advocacy center; and (2) the governing body of each county and each agency which provides child welfare services to ensure, to the extent that money is available, that children ~~[who are victims of abuse or neglect]~~ whose cases meet those standards have access to ~~[a multidisciplinary team through a]~~ the services of the children's advocacy center.** **Section 7** of this bill creates an account to support the establishment and operation of children's advocacy centers and authorizes the Division of Child and Family Services of the Department of Health and Human Services to accept gifts, grants, bequests and other contributions for this account.

WHEREAS, Children's advocacy centers are essential to the health, safety and well-being of children in this State who are victims of child abuse and neglect; and

WHEREAS, Victims of child abuse and neglect and their families should be assured that children's advocacy centers in this State are adhering to best practices; and

WHEREAS, Sustainable and reliable funding is necessary for the creation and operation of children's advocacy centers; now, therefore,

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Children's advocacy center" means a public or private entity that provides an environment friendly to children where multidisciplinary teams work to:*

- 1. Investigate and help children recover from abuse and neglect; and*
- 2. Hold perpetrators of abuse and neglect of children accountable.*

Sec. 4. *"Multidisciplinary team" means a team of different types of professionals convened by a children's advocacy center to respond to the abuse or neglect of a child ~~for~~ or develop standards pursuant to subsection 5 of section 6 of this act. Such a team may include, without limitation, law enforcement officers, representatives of agencies which provide child welfare services, district attorneys or their deputies, providers of health care and advocates for victims of abuse or neglect of children.*

Sec. 5. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 6. 1. *To operate in this State, a children's advocacy center must:*

(a) Be recognized by the National Children's Alliance, or its successor organization, as an accredited member, an associate/developing member or an affiliate member; and

(b) Operate in accordance with the standards prescribed by the National Children's Alliance, or its successor organization ~~for~~, to the extent that those standards do not conflict with federal or state law.

2. An employee or officer of a children's advocacy center ~~for a member of a multidisciplinary team~~ is immune from civil liability for any action or omission in the performance of his or her duties on behalf of or through the children's advocacy center if he or she acts in good faith.

3. A member of a multidisciplinary team is immune from civil liability for any act or omission with regard to communications with another member of a multidisciplinary team as part of the performance of his or her duties on behalf of or through a children's advocacy center if he or she acts in good faith.

4. Except as otherwise provided in this subsection and NRS 239.0115, 432B.165, 432B.175, 432B.513 and 439.538 ~~for~~ or as ordered by a court, information maintained by a children's advocacy center, including, without limitation, reports and investigations made pursuant to this chapter, is confidential. Such information may, at the discretion of the children's

advocacy center, be made available only to the persons described in subsection 2 of NRS 432B.290.

~~*4. 5. Each children's advocacy center shall convene a multidisciplinary team to develop standards for the acceptance of cases by the children's advocacy center. To the extent that money is available, the governing body of each county and each agency which provides child welfare services shall ensure that children who are victims of abuse or neglect whose cases meet those standards have access to a multidisciplinary team services available through the children's advocacy center.*~~

Sec. 7. 1. The Account to Support Children's Advocacy Centers is hereby created in the State General Fund. The Division of Child and Family Services shall administer the Account.

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

3. The Division of Child and Family Services may use the money in the Account to provide monetary support for the establishment and operation of children's advocacy centers.

4. The Division of Child and Family Services may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of this section.

5. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 8. NRS 432B.165 is hereby amended to read as follows:

432B.165 1. For purposes of assisting in locating a missing child who is the subject of an investigation of abuse or neglect and who is in the protective custody of an agency which provides child welfare services or in the custody of another entity pursuant to an order of the juvenile court, an agency which provides child welfare services or a children's advocacy center may provide the following information to a federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse or neglect:

- (a) The name of the child;*
- (b) The age of the child;*
- (c) A physical description of the child; and*
- (d) A photograph of the child.*

2. Information provided pursuant to subsection 1 is not confidential and may be disclosed to any member of the general public upon request.

3. An agency which provides child welfare services that receives information concerning a child who has been placed in the custody of the agency who is missing, including, without limitation, a child who has run away or has been abducted, shall report the information to the appropriate law enforcement agency as soon as practicable, but not later than 24 hours after receiving such information, for investigation pursuant to NRS 432.200.

4. *As used in this section, “children’s advocacy center” has the meaning ascribed to it in section 3 of this act.*

Sec. 8.5. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS

432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) **A multidisciplinary team, as defined in section 4 of this act;**

~~(q)~~ **(q)** A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

~~(r)~~ **(r)** The child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

~~(s)~~ **(s)** The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

~~(t)~~ **(t)** An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

~~(u)~~ **(u)** Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to

investigate the activities or programs of an agency which provides child welfare services if:

- (1) The identity of the person making the report is kept confidential; and
 - (2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;
- ~~[(u)]~~ (v) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;
- ~~[(v)]~~ (w) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;
- ~~[(w)]~~ (x) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;
- ~~[(x)]~~ (y) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;
- ~~[(y)]~~ (z) An employer in accordance with subsection 3 of NRS 432.100;
- ~~[(z)]~~ (aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;
- ~~[(aa)]~~ (bb) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or
- ~~[(bb)]~~ (cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

- (a) A copy of:
 - (1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or
 - (2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or
- (b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific

and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district

court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, “juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 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, 119A.677, 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, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 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, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 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, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,

392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 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, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 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.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 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, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 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.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 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, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 6 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, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. 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 the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

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

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 37, 125, 167, 188, 230, 241, 247, 273, 319, 393, and 401 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 131, 351, 357, and 365 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 4 makes various changes concerning the Nevada Insurance Guaranty Association. Among other things, the bill limits the claims that may be asserted against a person insured by a policy issued by an insolvent insurer; adds various types of insurance products designed to protect the interests of a creditor arising out of a creditor-debtor transaction to the types of insurance that are not covered by the Guaranty Association and describes certain coverages under warranties and service contracts that are not covered by the Guaranty Association; amends the types of claims that are covered by the Guaranty Association, extends the claim filing deadline from 18 months to 25 months, and lowers the net worth threshold for first-party claims, which are claims made by insureds, to \$10 million; and changes the amount of the Guaranty Association's obligation to pay a covered claim by reducing the limit to \$10,000 for each policy if the claim is for the return of unearned premiums; and clarifies that the Guaranty Association is not bound by unfunded settlements or releases that were executed or entered within 12 months before an order of liquidation.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 6 provides that a person may file a written protest against the granting of an application for a temporary change and that the State Engineer may hold a hearing in accordance with the procedures set forth in existing law.

Roll call on Assembly Bill No. 6:

YEAS—42.

NAYS—None.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 18 eliminates the limitation on the maximum amount of uninsured vehicle coverage that may be provided by a motor vehicle liability insurance policy. The bill provides that certain notice requirements do not apply to a policy upon renewal if the changes to the policy's provisions are favorable to the policy holder.

Roll call on Assembly Bill No. 18:

YEAS—42.

NAYS—None.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblywomen Torres, Hansen, and Tolles.

ASSEMBLYWOMAN TORRES:

Assembly Bill 19 changes what constitutes the academic subject social studies by removing government and including instead civics, financial literacy, and multicultural education. The bill also exempts from procedural requirements for regulation making under the Nevada Administrative Procedure Act the adoption, amendment, or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education. The bill requires that all regulations establishing standards of content and performance for courses of study in public schools be removed from *Nevada Administrative Code*.

ASSEMBLYWOMAN HANSEN:

I rise in opposition to Assembly Bill 19. There has been a lot of debate about why AB 19 is needed and why homeschoolers are not being excluded by amendment. The reasons offered include conforming language, precedent, and core standards. What AB 19 really is is overreach on homeschooling families. This violates their autonomy, which was the result of the homeschool freedom bill which unanimously passed in 2007.

During the hearings on Assembly Bill 19 and in the thousands of emails and online opinions we have all received since that hearing, an amendment to exclude homeschoolers has been asked for and refused. We have heard that in 2015 a conforming change was made that included homeschoolers; it was just a terminology change in the name of a core subject from English to English language arts, not a creation of a subset of core subjects. In 2017 another conforming change was made but did not include homeschoolers.

The current designated core subjects are English language arts, mathematics, science, social studies, history, geography, economics, and government. I would argue, and experience has shown me, that the proposed language of AB 19 is already taught by homeschoolers within the current core standards of social studies, economics, and government. I agree—core standards are

important—so important that perhaps we should be asking and examining why under current core standards, according to the NDE [Nevada Department of Education] portal, 2018-2019 third to eighth grade math proficiency rates were 38 percent, reading proficiency rates were 49 percent, high school reading proficiency rates were 48 percent, and math proficiency rates were 26 percent. It seems to me that homeschoolers and their proficiency in a new subset of core standards is not the issue needing this legislative fix in AB 19. I urge my colleagues to vote no on AB 19 as currently written.

ASSEMBLYWOMAN TOLLES:

I rise in support of Assembly Bill 19. I want to say that I struggled with this bill for the same reasons that my colleague from Assembly District 32 just listed. I do support the autonomy of homeschoolers and I believe they should have been included in the process. But I also strongly support civics, financial literacy, and multicultural education. This body overwhelmingly supported legislation in 2015 and 2017 to include each of those subjects in social studies content standards.

Assembly Bill 19 places those conforming standards in public, private, charter, and home schools. I did ask for homeschoolers to be amended out of this bill based on those concerns raised but learned that this could create an inconsistent and bifurcated system with potentially negative impacts on students as they progress through the education system. I am reassured to know that NRS 388D.050 protects the autonomy of a parent's right to prepare an educational plan of instruction as appropriate for the age and level of the child as determined by the parent, and does not require that each subject area is taught each year that the child is homeschooled. Under our current NRS statutes homeschool parents still have autonomy on what curriculum they choose and how and when they teach it. This bill does not change that.

I will be voting yes today, but I urge the Department of Education and our colleagues in the Senate to continue to work with the homeschool community on their concerns. Civics, financial literacy, and multicultural education are foundational building blocks to prepare our students to enter the world as well-informed global citizens and contributors to the economy. For those reasons, I support AB 19.

Roll call on Assembly Bill No. 19:

YEAS—28.

NAYS—Benitez-Thompson, Black, Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Titus, Wheeler—14.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 31 revises provisions governing the Nevada Petroleum Products Inspection Act. Specifically, the bill requires the State Board of Agriculture of the State Department of Agriculture to adopt specification standards for aviation fuel, diesel exhaust fluid, and certain petroleum heating products. It makes it unlawful for any person to refuse to permit the State Sealer of Consumer Equitability, or the appointees thereof, or any member of the Nevada Highway Patrol to perform their duties concerning petroleum product or motor vehicle fuel sampling; allows, by mutual agreement, for the waiver of the 24-hour notice period before an outlet or tank, which has been sealed, to be unsealed for purposes of removal of fuel or other product found to be in violation; revises provisions relating to the storage and disposal of petroleum products; and makes other technical and conforming changes. The bill is effective upon passage and approval for the purpose of adopting regulations and on July 1, 2021, for all other purposes.

Roll call on Assembly Bill No. 31:

YEAS—42.

NAYS—None.

Assembly Bill No. 31 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34.

Bill read third time.

Roll call on Assembly Bill No. 34:

YEAS—29.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Leavitt, Matthews,
McArthur, O’Neill, Titus, Wheeler—13.

Assembly Bill No. 34 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 412 provides that a “neighborhood occupantless vehicle,” as defined in the bill, is in compliance with state law if the operator, number one, complies with certain speed restrictions and, number two, equipment restrictions for motor vehicles, and operates the vehicle on roadways with speed limits greater than 35 miles per hour, but not more than 45 miles per hour. The measure provides that a fully autonomous vehicle that is exclusively operated by an automated driving system is exempted from requirements for certain equipment.

Roll call on Assembly Bill No. 412:

YEAS—40.

NAYS—Carlton, Ellison—2.

Assembly Bill No. 412 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn
until Thursday, April 15, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:42 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly