

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 16, 2021

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman O'Neill, who was excused.

Prayer by the Chaplain, Rabbi Benjamin Zober.

In the land of the setting sun, the day is short and the work is plentiful. Yet the reward is great: blessings of freedom, domestic tranquility, and a more perfect government. May it be Your will that "justice well up as waters, and righteousness as a mighty stream." May this body and this state all turn in love, see corruption and hatred give way to integrity and goodness, end enslavement of the mind and the blindness of idolatry. May all created in Your image become one in spirit and one in friendship, forever united in service.

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 Health and Human Services, to which were referred Assembly Bills Nos. 181, 256, 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. 192, 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 Judiciary, to which were referred Assembly Bills Nos. 42, 58, 132, 141, 201, 219, 406, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 126, 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 148, 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*

Mr. Speaker:

Your Committee on Revenue, to which was referred Assembly Bill No. 20, 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 Revenue, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 66, 71, 95, 108, 109, 156, 247, 344, 371.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 5.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblywoman Brittney Miller moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 141 be withdrawn from the Committee on Government Affairs.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 141 be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 143 be taken from the Chief Clerk's desk and placed on General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 19.

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

Motion carried.

Senate Bill No. 66.

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

Motion carried.

Senate Bill No. 71.

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

Motion carried.

Senate Bill No. 95.

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

Motion carried.

Senate Bill No. 108.

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

Motion carried.

Senate Bill No. 109.

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

Motion carried.

Senate Bill No. 156.

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

Motion carried.

Senate Bill No. 247.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 344.

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

Motion carried.

Senate Bill No. 371.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 255.

AN ACT relating to taxation; revising the types of film and other productions for which a production company may apply for certain transferrable tax credits; revising provisions governing the eligibility of a production company for certain transferrable tax credits; revising provisions governing the calculation of the amount of transferrable tax credits issued to a qualified production company; expanding the circumstances under which the Office of Economic Development is authorized to withhold transferrable tax credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a program for the issuance of transferable tax credits by the Office of Economic Development to the production company of a motion picture or other qualified production, based upon qualified direct production expenditures made for the purchase of personal property or services from a Nevada business. (NRS 360.758-360.7598)

Section 1 of this bill revises the types of qualified productions for which a production company may apply for transferable tax credits by: (1) removing interstitial television programming and interstitial advertising as qualified productions; (2) removing certain limitations on reality shows; and (3) making an episode of a series a qualified production. (NRS 360.7586)

Existing law requires a production company to provide the Office with an audit of the qualified production not later than 90 days after the completion of principal photography or postproduction. (NRS 360.759) **Section 2** of this bill requires the audit to be submitted within 270 days after the completion of principal photography or postproduction, unless the Office agrees to extend the period for submitting the audit by not more than 90 days. **Section 2** also removes a requirement for a business address of the production company to be in this State and authorizes rather than requires the Office to approve an application for transferable tax credits if a production company is found to be eligible. **Section 2 also requires that to be eligible for transferable tax credits, the production company is required to enter into a written agreement with the Office that requires the production company to include a logo of this State in the end screen credits or, if the qualified production does not include end screen credits, an acknowledgement in the final version of the qualified production that the qualified production was filmed or otherwise produced in Nevada.**

Existing law provides that in order for tangible personal property that is acquired by a Nevada business from a vendor outside this State for immediate resale, rental or lease to a production company to be considered a qualified direct production expenditure, not more than 50 percent of the property purchased, rented or leased by the production company for the qualified production may be acquired and purchased, rented or leased in that manner. (NRS 360.7591) **Section 3** of this bill excludes from consideration as property acquired in this manner tangible personal property that remains an asset of a Nevada business after the production of the qualified production has ended. **Section 3** also: (1) removes the requirement for qualified direct production expenditures to be made on or after the date on which the production company submits an application for transferable tax credits to the Office and, instead, requires qualified direct production expenditures to be made during the period in which the qualified production is produced; and (2) requires the calculation of the costs that constitute a qualified direct production expenditure by a production company to acquire tangible personal property as an asset to be performed according to regulations adopted by the Office.

Existing law authorizes the Office to withhold the transferrable tax credits, in whole or in part, until any pending legal action in Nevada against a production company or involving a qualified production is resolved. (NRS 360.7592) **Section 4** of this bill authorizes the Office to also withhold the transferrable tax credits, in whole or in part, for violations of state or local law or if the production company is found to have submitted any false statement, representation or certification for the purpose of obtaining the tax credits.

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

Section 1. NRS 360.7586 is hereby amended to read as follows:

360.7586 1. “Qualified production” includes preproduction, production and postproduction and means:

- (a) A theatrical, direct-to-video or other media motion picture.
- (b) A made-for-television motion picture.
- (c) Visual effects or digital animation sequences.
- (d) A television pilot program.
- (e) ~~Interstitial television programming.~~
- ~~—(f)—~~ (f) A television, Internet or other media series, including, without limitation, a comedy, drama, miniseries, soap opera, talk show, game show or telenovela ~~or an episode of such a series.~~
- ~~—(g)—~~ (g) A reality show . ~~if not less than six episodes are produced concurrently in this State and the total of the qualified direct production expenditures for those episodes is \$500,000 or more.~~
- ~~—(h)—~~ (h) A national or regional commercial or series of commercials.
- ~~—(i)—~~ (i) An infomercial.
- ~~—(j)—~~ ~~An interstitial advertisement.~~
- ~~—(k)—~~ (k) A music video.

~~{(d)}~~ (j) A documentary film or series.

~~{(m)}~~ (k) Other visual media productions, including, without limitation, video games and mobile applications.

2. The term does not include:

(a) A news, weather or current events program.

(b) A production that is primarily produced for industrial, corporate or institutional use.

(c) A telethon or any production that solicits money, other than a production which is produced for national distribution.

(d) A political advertisement.

(e) A sporting event ~~{t}~~, ***including, without limitation, a sportscast, preshow, postshow or sports newscast related to a sporting event. A qualified production described by subsection 1 shall not be deemed a sporting event for the purposes of this paragraph for the sole reason that it features athletes or relates to sports.***

(f) A gala, ***pageant*** or awards show.

(g) Any other type of production that is excluded by regulations adopted by the Office of Economic Development pursuant to NRS 360.759.

Sec. 2. NRS 360.759 is hereby amended to read as follows:

360.759 1. A production company that produces a qualified production in this State in whole or in part may apply to the Office of Economic Development for a certificate of eligibility for transferable tax credits for any qualified direct production expenditures. The transferable tax credits may be applied to:

(a) Any tax imposed by chapters 363A and 363B of NRS;

(b) The gaming license fees imposed by the provisions of NRS 463.370;

(c) Any tax imposed pursuant to chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. The Office ~~{shall}~~ ***may*** approve an application for a certificate of eligibility for transferable tax credits if the Office finds that the production company producing the qualified production qualifies for the transferable tax credits pursuant to subsection 3. ~~{and}~~ ***If the Office approves the application, the Office*** shall calculate the estimated amount of the transferable tax credits pursuant to NRS 360.7592, 360.7593 and 360.7594.

3. To be eligible for transferable tax credits pursuant to this section, a production company must:

(a) Submit an application that meets the requirements of subsection 4;

(b) Provide proof satisfactory to the Office that the qualified production is in the economic interest of the State;

(c) Provide proof satisfactory to the Office that 70 percent or more of the funding for the qualified production has been obtained;

(d) Provide proof satisfactory to the Office that at least 60 percent of the direct production expenditures for:

(1) Preproduction;

(2) Production; and

(3) If any direct production expenditures for postproduction will be incurred in this State, postproduction,

➡ of the qualified production will be incurred in this State as qualified direct production expenditures;

(e) Not later than ~~190~~ 270 days after the completion of principal photography of the qualified production or, if any direct production expenditures for postproduction will be incurred in this State, not later than ~~190~~ 270 days after the completion of postproduction, ***unless the Office agrees to extend this period by not more than 90 days***, provide the Office with an audit of the qualified production that includes an itemized report of qualified direct production expenditures which:

(1) Shows that the qualified production incurred qualified direct production expenditures of \$500,000 or more; and

(2) Is certified by an independent certified public accountant in this State who is approved by the Office;

(f) Pay the cost of the audit required by paragraph (e); ~~and~~

(g) **Enter into a written agreement with the Office that requires the production company to include:**

(1) In the end screen credits of the qualified production, a logo of this State provided by the Office which indicates that the qualified production was filmed or otherwise produced in Nevada; or

(2) If the qualified production does not have end screen credits, another acknowledgement in the final version of the qualified production which indicates that the qualified production was filmed or otherwise produced in Nevada; and

(h) Meet any other requirements prescribed by regulation pursuant to this section.

4. An application submitted pursuant to subsection 3 must contain:

(a) A script, storyboard or synopsis of the qualified production;

(b) The names of the production company, producer, director and proposed cast;

(c) An estimated timeline to complete the qualified production;

(d) A summary of the budgeted expenditures for the entire production, including projected expenditures to be incurred outside of Nevada;

(e) Details regarding the financing of the project, including, without limitation, any information relating to a binding financing commitment, loan application, commitment letter or investment letter;

(f) An insurance certificate, binder or quote for general liability insurance of \$1,000,000 or more;

(g) The business address of the production company ; ~~[- which must be an address in this State;-]~~

(h) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance;

(i) Proof that the production company has secured all licenses and registrations required to do business in each location in this State at which the qualified production will be produced; and

(j) Any other information required by regulations adopted by the Office pursuant to subsection 8.

5. If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to NRS 360.7592 to:

- (a) The applicant;
- (b) The Department; and
- (c) The Nevada Gaming Control Board.

6. Within 60 business days after receipt of an audit provided by a production company pursuant to paragraph (e) of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit, ~~and~~ determines that all other requirements for the transferable tax credits have been met ~~+~~ **and determines that a certificate of transferable tax credits will be issued**, the Office shall notify the production company that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the production company shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the production company a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the production company. The production company shall notify the Office upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any transferable tax credits transferred.

7. An applicant for transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.

8. The Office:

- (a) Shall adopt regulations prescribing:
 - (1) Any additional requirements to receive transferable tax credits;
 - (2) Any additional qualified expenditures or production costs that may serve as the basis for transferable tax credits pursuant to NRS 360.7591;
 - (3) Any additional information that must be included with an application pursuant to subsection 4;
 - (4) The application review process;

(5) Any type of qualified production which, due to obscene or sexually explicit material, is not eligible for transferable tax credits; and

(6) The requirements for notice pursuant to NRS 360.7595; and

(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.

9. The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which transferable tax credits will be administered.

(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.

Sec. 3. NRS 360.7591 is hereby amended to read as follows:

360.7591 1. Qualified direct production expenditures must be for purchases, rentals or leases of tangible personal property or services from a Nevada business ~~on or after the date on which an applicant submits an application for the transferable tax credits,~~ **during the period in which a qualified production is produced**, must be customary and reasonable and must relate to:

(a) Set construction and operation;

(b) Wardrobe and makeup;

(c) Photography, sound and lighting;

(d) Filming, film processing and film editing;

(e) The rental or leasing of facilities, equipment and vehicles;

(f) Food and lodging;

(g) Editing, sound mixing, special effects, visual effects and other postproduction services;

(h) The payroll for Nevada residents or other personnel who provided services in this State;

(i) Payment for goods or services provided by a Nevada business;

(j) The design, construction, improvement or repair of property, infrastructure, equipment or a production or postproduction facility;

(k) State and local government taxes to the extent not included as part of another cost reported pursuant to this section;

(l) Fees paid to a producer who is a Nevada resident; and

(m) Any other transaction, service or activity authorized in regulations adopted by the Office of Economic Development pursuant to NRS 360.759.

2. Expenditures and costs:

(a) Related to:

(1) The acquisition, transfer or use of transferable tax credits;

(2) Marketing and distribution;

(3) Financing, depreciation and amortization;

(4) The payment of any profits as a result of the qualified production;

(5) The payment for the cost of the audit required by NRS 360.759; and

(6) The payment for any goods or services that are not directly attributable to the qualified production;

(b) For which reimbursement is received, or for which reimbursement is reasonably expected to be received;

(c) Which are paid to a joint venturer or a parent, subsidiary or other affiliate of the production company, unless the amount paid represents the fair market value of the purchase, rental or lease of the property or services for which payment is made;

(d) Which provide a pass-through benefit to a person who is not a Nevada resident; or

(e) Which have been previously claimed as a basis for transferable tax credits,

↪ are not qualified direct production expenditures and are not eligible to serve as a basis for transferable tax credits issued pursuant to NRS 360.759.

3. If any tangible personal property is acquired by a Nevada business from a vendor outside this State for immediate resale, rental or lease to a production company that produces a qualified production, expenditures incurred by the production company for the purchase, rental or lease of the property are qualified direct production expenditures if:

(a) The Nevada business regularly deals in property of that kind;

(b) The expenditures are otherwise qualified direct production expenditures under the provisions of this section; and

(c) Not more than 50 percent of the property purchased, rented or leased by the production company for the qualified production is acquired and purchased, rented or leased in the manner described in this subsection. ***In making the calculation required by this paragraph, the cost of any property that remains an asset of the Nevada business after production of the qualified production has ended must not be included in the calculation as property purchased, rented or leased in the manner described in this subsection.***

4. If any tangible personal property is acquired by the production company as an asset, the calculation of the costs of the tangible personal property that constitute a qualified direct production expenditure must be performed in the manner prescribed by the Office of Economic Development by regulation.

Sec. 4. NRS 360.7592 is hereby amended to read as follows:

360.7592 1. Except as otherwise provided in subsection 4 and NRS 360.7593 and 360.7594, the base amount of transferable tax credits issued to an eligible production company pursuant to NRS 360.759 must equal 15 percent of the qualified direct production expenditures.

2. Except as otherwise provided in subsections 3 and 4 and NRS 360.7594, in addition to the base amount calculated pursuant to subsection 1, transferable tax credits issued to an eligible production company pursuant to NRS 360.759 must include credits in an amount equal to:

(a) An additional 5 percent of the qualified direct production expenditures if more than 50 percent of the below-the-line personnel of the qualified production are Nevada residents; and

(b) An additional 5 percent of the qualified direct production expenditures if more than 50 percent of the filming days of the qualified production occurred in a county in this State in which, in each of the 2 years immediately preceding the date of application, qualified productions incurred less than \$10,000,000 of qualified direct production expenditures.

3. For the purposes of paragraph (a) of subsection 2:

(a) Except as otherwise provided in paragraph (b) of this subsection, the percentage of the below-the-line personnel who are Nevada residents must be determined by dividing the number of workdays worked by Nevada residents by the number of workdays worked by all below-the-line personnel.

(b) Any work performed by an extra must not be considered in determining the percentage of the below-the-line personnel who are Nevada residents.

4. The Office may:

(a) Reduce the cumulative amount of transferable tax credits that are calculated pursuant to this section by an amount equal to any damages incurred by the State or any political subdivision of the State as a result of a qualified production that is produced in this State; or

(b) Withhold the transferable tax credits, in whole or in part ~~from~~ **until** :

(1) Until any pending legal action in this State against a production company or involving a qualified production is resolved.

(2) If a production company violates any state or local law.

(3) If a production company is found to have submitted any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits.

Sec. 5. The amendatory provisions of section 3 of this act apply only to the calculation of transferrable tax credits conducted on or after July 1, 2021.

Sec. 6. 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. 42.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 137.

AN ACT relating to crimes; requiring certain batteries which constitute domestic violence to be charged with certain felonies and gross misdemeanors; expanding the courts that are required to conduct a jury trial under certain circumstances; revising various provisions relating to jury trials; authorizing the use of sound recording equipment under certain circumstances; making various changes regarding the jurisdiction of municipal courts; revising provisions governing the selection of jurors; establishing a right to a jury trial under certain circumstances; prohibiting a person convicted of a battery which constitutes domestic violence or the same or similar conduct in another

jurisdiction from owning or having in his or her possession or under his or her custody or control any firearm; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

In 1983, the Nevada Supreme Court held that NRS 175.011 does not establish a statutory right to a trial by jury upon demand in every case because: (1) the statute does not expressly state the Legislature’s intent to grant a substantive right to trial by jury, but rather it is only intended to establish procedural requirements; and (2) there is no constitutional right to a jury trial for “petty” offenses. (*State v. Smith*, 99 Nev. 806, 808-810 (1983)). The United States Supreme Court later ruled that an offense with a maximum period of incarceration of 6 months or less is presumptively petty and to overcome that presumption a defendant must prove that any additional statutory penalties, together with the maximum period of incarceration, are so severe that they clearly reflect that the offense is serious and thus triggers a right to a jury trial pursuant to the Sixth Amendment to the United States Constitution and Section 3 of Article 1 of the Nevada Constitution. (*Blanton v. City of N. Las Vegas*, 489 U.S. 538, 543 (1989)) In 2019, the Nevada Supreme Court held that a battery which constitutes domestic violence that is punishable as a misdemeanor pursuant to NRS 200.485 is a serious offense, if it imposes a limitation on the possession of a firearm, thereby triggering a constitutional right to a jury trial. The Court reasoned that Legislature elevated the seriousness of the offense when it amended NRS 202.360 in 2015, thereby limiting a person’s constitutional right to bear arms by prohibiting the possession or control of any firearm by a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). (*Andersen v. Eighth Jud. Dist. Ct.*, 135 Nev. 321, 323-324 (2019))

Under existing law, a person convicted of a battery which constitutes domestic violence for the first offense within 7 years is guilty of a misdemeanor and shall be punished by: (1) imprisonment in a city or county jail or detention center for not less than 2 days, but not more than 6 months; (2) community service; and (3) a fine of not less than \$200 but not more than \$1,000. (NRS 200.485) **Section 12** of this bill establishes a statutory right to a jury trial for a person charged with a battery which constitutes domestic violence that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm.

Existing law requires certain misdemeanors which would otherwise be under the jurisdiction of a municipal court to be charged in the same criminal complaint with related felonies and gross misdemeanors in the district court. (NRS 173.115) **Section 1** of this bill additionally requires a battery which constitutes domestic violence that is punishable as a misdemeanor to be charged in the same indictment or information in district court if the battery arises out of the same act as a felony or gross misdemeanor.

Existing law requires that certain cases in a district court must be tried by a jury unless the defendant waives such a trial in writing with the approval of the court and the consent of the State. (NRS 175.011) **Section 2** of this bill: (1) expands the courts in which such cases must be tried by a jury, which would necessarily include a justice court and municipal court for certain cases required to be so tried by the United States Constitution, the Nevada Constitution or statute; and (2) accordingly revises the person to whom consent must be given.

Existing law requires the trial of a criminal action conducted in ~~the~~ : **(1) district court to be tried by a jury of 12 jurors unless before verdict the parties stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than 6; and (2)** justice court to be tried by a jury of ~~six~~ **6** jurors. (NRS 175.021) **Section 3** of this bill requires ~~[such a trial conducted in a municipal court also to]~~ **that all criminal actions, whether in district court, justice court or municipal court, must be tried by a jury of ~~six~~ 12 jurors, [] unless before jury selection the parties stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than 6.**

Existing law directs, in relation to the procedures for conducting jury trials, the State, as prosecutor, to perform certain duties. (NRS 175.051, 175.141) **Sections 4 and 5** of this bill revise the persons required to perform such duties to include any prosecuting attorney, which may include the city attorney for jury trials conducted in a municipal court. Existing law also directs, in relation to the procedures for conducting jury trials, the sheriff of each county to perform certain duties. (NRS 6.090, 175.421) **Sections 6 and 10** of this bill revise the persons required to perform such duties to include the chief of police ~~or~~ **or chief marshal**, as applicable.

Existing law requires proceedings in justice court to be recorded by the use of sound recording equipment under certain circumstances. (NRS 4.390) Existing law also specifies that certain courts are courts of record, including the municipal courts in any case in which a jury trial is required or if designated as courts of record. (NRS 1.020) **Section 7** of this bill authorizes a municipal court to record any proceeding before a jury by the use of sound recording equipment, if the municipal court has been designated as a court of record.

Existing law sets forth the powers and jurisdiction of municipal courts and limits such municipal courts in cities incorporated by general law to proceedings and trials that are summary and without a jury. (NRS 5.050, 266.550) **Section 8** of this bill allows municipal courts to conduct jury trials: (1) for a matter within the jurisdiction of the court; and (2) where such a trial is required pursuant to the United States Constitution, the Nevada Constitution or statute. **Section 14** of this bill allows for jury trials under such circumstances in municipal courts within cities incorporated by general law. **Section 15** of this bill similarly allows for jury trials under such circumstances in municipal courts within all incorporated cities, including those cities created pursuant to the enactment of a city charter.

Existing law authorizes a district court to assign a jury commissioner to select trial jurors. Existing law also requires a jury commissioner so assigned to select trial jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. (NRS 6.045) **Section 9** of this bill: (1) extends the courts authorized to assign a jury commissioner to include justice courts and municipal courts, which are located in a city whose population is 220,000 or more; and (2) allows a court to contract with another court for the services provided by a jury commissioner. **Section 16** of this bill makes a conforming change related to the selection of jurors in a city.

Existing law sets forth certain fees for attendance and travel allowances for jurors summoned or serving on a jury in a district court or justice court. (NRS 6.150) **Section 11** of this bill extends such fees and allowances for jurors summoned to or serving on a jury in a municipal court.

Existing law provides that in a county whose population is 700,000 or more (currently Clark County), a justice of the peace must summon a sufficient number of jurors to form a jury from the qualified electors of the county. In all other counties, a justice of the peace may summon jurors from the city, precinct or township. (NRS 67.010) Section 11.7 of this bill provides that in all counties, jurors must be summoned from the qualified electors of the county. Section 11.3 of this bill makes a conforming change to reflect the change made in section 11.7.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm, including a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). A person who violates such a provision is guilty of a category B felony. (NRS 202.360) **Section 13** of this bill revises the list of persons so prohibited to include a person who has been convicted of ~~fel~~ **the crime of** battery which constitutes domestic violence **pursuant to NRS 200.485,** or the same or substantially similar conduct in another ~~state,~~ **jurisdiction, committed against or upon certain persons,** instead of a person who has been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).

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

Section 1. NRS 173.115 is hereby amended to read as follows:

173.115 1. Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or gross misdemeanors or both, are:

- (a) Based on the same act or transaction; or
- (b) Based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

2. Except as otherwise provided in subsection 3 ~~1-a~~ :

(a) A misdemeanor which was committed within the boundaries of a city and which would otherwise be within the jurisdiction of the municipal court

must be charged in the same criminal complaint as a felony or gross misdemeanor or both if the misdemeanor is based on the same act or transaction as the felony or gross misdemeanor. A charge of a misdemeanor which meets the requirements of this subsection and which is erroneously included in a criminal complaint that is filed in the municipal court shall be deemed to be void ab initio and must be stricken.

(b) A battery which constitutes domestic violence that is punishable as a misdemeanor pursuant to NRS 200.485 must be charged in the same indictment or information in district court as a felony or gross misdemeanor or both if the battery is based on the same act or transaction as the felony or gross misdemeanor.

3. The provisions of subsection 2 do not apply:

(a) To a misdemeanor based solely upon an alleged violation of a municipal ordinance.

(b) If an indictment is brought or an information is filed in the district court for a felony or gross misdemeanor or both after the convening of a grand jury.

Sec. 2. NRS 175.011 is hereby amended to read as follows:

175.011 1. ~~In a district court, cases~~ **Cases** required to be tried by jury must be so tried unless the defendant waives a jury trial in writing with the approval of the court and the consent of the ~~State~~ **prosecuting attorney**. A defendant who pleads not guilty to the charge of a capital offense must be tried by jury.

2. ~~In~~ **Except as otherwise provided in subsection 1**, in a justice court, a case must be tried by jury only if the defendant so demands in writing not less than 30 days before trial. Except as otherwise provided in NRS 4.390 and 4.400, if a case is tried by jury, a reporter must be present who is a certified court reporter and shall report the trial.

Sec. 3. NRS 175.021 is hereby amended to read as follows:

175.021 1. Trial juries for criminal actions are formed in the same manner as trial juries in civil actions.

2. ~~Except as provided in subsection 3, juries~~ **Juries** must consist of 12 jurors, but at any time before ~~verdict~~ **jury selection**, the parties may stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than six.

~~3. Juries must consist of six jurors for the trial of a criminal action in a Justice Court.~~ **justice court or municipal court.**

Sec. 4. NRS 175.051 is hereby amended to read as follows:

175.051 1. If the offense charged is punishable by death or by imprisonment for life, each side is entitled to eight peremptory challenges.

2. If the offense charged is punishable by imprisonment for any other term or by fine or by both fine and imprisonment, each side is entitled to four peremptory challenges.

3. The ~~State~~ **prosecuting attorney** and the defendant shall exercise their challenges alternately, in that order. Any challenge not exercised in its proper order is waived.

Sec. 5. NRS 175.141 is hereby amended to read as follows:

175.141 The jury having been impaneled and sworn, the trial shall proceed in the following order:

1. If the indictment or information be for a felony, the clerk must read it and state the plea of the defendant to the jury. In all other cases this formality may be dispensed with.

2. The ~~{district attorney, or other counsel for the State,}~~ **prosecuting attorney** must open the cause. The defendant or the defendant's counsel may then either make the defendant's opening statement or reserve it to be made immediately prior to the presentation of evidence in the defendant's behalf.

3. The ~~{State}~~ **prosecuting attorney** must then offer its evidence in support of the charge, and the defendant may then offer evidence in his or her defense.

4. The parties may then respectively offer rebutting testimony only, unless the court, for good reasons, in furtherance of justice, permits them to offer evidence upon their original cause.

5. When the evidence is concluded, unless the case is submitted to the jury on either side, or on both sides, without argument, the ~~{district attorney, or other counsel for the State,}~~ **prosecuting attorney** must open and must conclude the argument.

Sec. 6. NRS 175.421 is hereby amended to read as follows:

175.421 A room ~~{shall}~~ **must** be provided by the sheriff of each county, ~~for the~~ **chief of police of each city ~~or~~ or chief marshal, as applicable,** for the use of the jury upon their retirement for deliberation, with suitable furniture, fuel, lights and stationery, unless such necessities have been already furnished by the county ~~or~~ **city**. The court may order the sheriff, ~~for~~ **chief of police or chief marshal** to do so, and the expenses incurred by the sheriff, ~~for~~ **chief of police or chief marshal** in carrying the order into effect, when certified by the court, ~~{shall be}~~ **are** a county **or city** charge.

Sec. 7. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

If a municipal court has been designated as a court of record pursuant to NRS 5.010, any proceeding before a jury in the municipal court may be recorded by using sound recording equipment.

Sec. 8. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a

program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. *The municipal courts may hold a jury trial for any matter:*

(a) *Within the jurisdiction of the municipal court; and*

(b) *Required by the United States Constitution, the Nevada Constitution or statute.*

Sec. 9. NRS 6.045 is hereby amended to read as follows:

6.045 1. ~~{The district}~~ A court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the ~~{district}~~ **designated** court and shall select that number from the qualified electors of ~~{the}~~ :

(a) *The county ; or*

(b) *The city whose population is 220,000 or more, for a municipal court,*

↪ not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner.

3. The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:

- (a) A list of persons who are registered to vote in the county;
- (b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;
- (c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265; and
- (d) A public utility pursuant to NRS 704.206.

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

- (a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;
- (b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and
- (c) Prepare and submit a report to the Court Administrator which must:
 - (1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;
 - (2) Be submitted at least once a year; and
 - (3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county *or city* to do the required jury duty.

7. *A court may contract with another court for the purpose of procuring any administrative duties performed by a jury commissioner pursuant to this chapter.*

Sec. 10. NRS 6.090 is hereby amended to read as follows:

6.090 1. Whenever trial jurors are selected by a jury commissioner, the ~~district~~ judge may direct the jury commissioner to summon and assign to that court the number of qualified jurors the jury commissioner determines to be necessary for the formation of the petit jury. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists have been established by the jury commissioner.

2. Every person named in the venire must be served by the sheriff, ~~for the~~ ***chief of police or chief marshal, as applicable,*** personally or by the sheriff, ~~the chief of police,~~ ***the chief of police, or the chief marshal or*** jury commissioner by mailing a summons to the person, commanding the person to attend as a juror at a time and place designated therein. Mileage is allowed only for personal service. The postage must be paid by the sheriff, ~~the chief of police,~~ ***the chief of police or the chief marshal or*** jury commissioner, as the case may be, and allowed him or

her as other claims against the county ~~or city~~ **or city**. The sheriff, ~~for the~~ **chief of police or chief marshal** shall make return of the venire at least the day before the day named for their appearance, after which the venire is subject to inspection by any officer or attorney of the court.

Sec. 11. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court, **or a trial juror in the municipal court**, is entitled to a fee of \$40 for each day after the second day of jury selection that the person is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court, **or trial juror in the municipal court**, actually sworn and serving is entitled to a fee of \$40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners **or governing body of a city** may provide that, for each day of such attendance or service, each person is entitled to be paid the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court, **or a trial juror in the municipal court**, and each grand juror and trial juror in the district court or justice court, **or trial juror in the municipal court**, is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is 30 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, the person is entitled to receive an allowance for lodging at the rate established for state employees, in addition to his or her daily compensation for attendance or service, for each day on which the person does not return to his or her home.

6. In civil cases, any fee, per diem allowance, travel expense or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by the clerk of the court to jurors for their services in a civil action or proceeding, which the clerk of the court has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 11.3. **NRS 66.020 is hereby amended to read as follows:**

66.020 1. The court may, at any time before the trial, on motion, change the place of trial in the following cases:

(a) When it appears to the satisfaction of the justice before whom the action is pending, by affidavit of either party, that the justice is a material witness for either party.

(b) When either party makes and files an affidavit that the party believes that he or she cannot have a fair and impartial trial before the justice by reason of the interest, prejudice or bias of the justice.

(c) When a jury has been demanded, and either party makes and files an affidavit that he or she cannot have a fair and impartial trial on account of the bias or prejudice against him or her of the citizens of ~~the~~

~~—(1) The city, precinct or township, if the jurors are to be summoned pursuant to subsection 1 of NRS 67.010; or~~

~~—(2) The the county, if the jurors are to be summoned pursuant to subsection 2 of NRS 67.010.]~~

(d) When from any cause the justice is disqualified from acting.

(e) When the justice is sick or unable to act.

2. In lieu of changing the place of trial, the justice before whom the action is pending may for any of the cases mentioned in subsection 1 call another justice of the county to conduct the trial.

Sec. 11.7. NRS 67.010 is hereby amended to read as follows:

67.010 1. The jury must be summoned upon an order of the justice from ~~[, except as otherwise provided in subsection 2,]~~ the qualified electors ~~[,]~~ **of the county,** whether or not registered as voters, ~~[of the city, precinct or township,]~~ and not from the bystanders.

2. ~~[In a county whose population is 700,000 or more, the]~~ **The** justice may summon to the court ~~[, from the qualified electors of the county, whether or not registered as voters, and not from the bystanders,]~~ the number of qualified jurors which the justice determines is necessary for the formation of a jury.

Sec. 12. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; or

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

➡ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

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

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS

33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➡ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➡ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or other substance use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 ~~1-a~~:

(a) That is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to subsection 1 of NRS 175.011.

*(b) A prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this ~~subsection~~ **paragraph**, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:*

~~1-a~~ *(1) As set forth in NRS 4.373 and 5.055; or*

~~1-b~~ *(2) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.*

11. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

12. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

13. As used in this section:

(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

(b) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) “Offense” includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 13. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted ~~in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);~~ of ~~for~~ the crime of battery which constitutes domestic violence pursuant to NRS ~~33.018~~ 200.485, or a law of any other ~~state~~ jurisdiction that prohibits the same or substantially similar conduct ~~for~~, committed against or upon:

(1) The spouse or former spouse of the person;

(2) Any other person with whom the person has had or is having a dating relationship, as defined in NRS 33.018;

(3) Any other person with whom the person has a child in common;

(4) The parent or legal guardian of the person; or

(5) The child of the person or a child for whom the person is the legal guardian.

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection 7 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

(f) Is an unlawful user of, or addicted to, any controlled substance; or

(g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➔ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➡ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) “Controlled substance” has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) “Firearm” includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 14. NRS 266.550 is hereby amended to read as follows:

266.550 1. The municipal court shall have such powers and jurisdiction in the city as are now provided by law for justice courts, wherein any person or persons are charged with the breach or violation of the provisions of any ordinance of such city or of this chapter, of a police or municipal nature. ~~The~~ ***Except as otherwise provided in subsection 5 of NRS 5.050, the*** trial and proceedings in such cases must be summary and without a jury.

2. The powers of the municipal court include the power to charge and collect those fees authorized pursuant to NRS 5.073.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

The municipal court of an incorporated city may conduct a jury trial pursuant to subsection 5 of NRS 5.050.

Sec. 16. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, 607.217 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person’s or employing unit’s identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant’s claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.037 and administered pursuant to NRS 223.820, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➡ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. Upon the request of any ~~judicial district~~ judge or jury commissioner, ~~for the judicial district in which the county is located,~~ the Administrator shall, in accordance with other agreements entered into with other ~~judicial district~~ courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county ~~or city~~ **or city** for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner

who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

12. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

13. The Administrator, any employee or other person acting on behalf of the Administrator, or any employee or other person acting on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter, is guilty of a gross misdemeanor if he or she:

- (a) Uses or permits the use of the list for any political purpose;
- (b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or
- (c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 17. The amendatory provisions of this act apply to any offense:

- 1. Committed on or after January 1, 2022; or
- 2. Committed before January 1, 2022, if the underlying judicial proceedings are pending or otherwise unresolved on January 1, 2022.

Sec. 18. This act becomes 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. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 78.

AN ACT relating to the Attorney General; authorizing the Attorney General to ~~file a civil action to eliminate~~ **investigate whether a state governmental authority, any agent thereof or any person acting on behalf of a state governmental authority has engaged in** certain patterns or practices that deprive persons of certain rights, privileges or immunities ~~and requiring a law enforcement agency to provide notice to the Attorney General if a peace officer uses physical force that results in substantial bodily harm to or the death of another person; providing a penalty;~~ **and file a civil action to eliminate such an identified pattern or practice in certain circumstances; establishing provisions relating to such an investigation; requiring the Attorney General to participate and cooperate in any investigation by the United States Department of Justice regarding whether the Office of the Attorney General has engaged in certain patterns or practices that deprive persons of certain rights, privileges or immunities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Attorney General to ~~file a civil action to eliminate~~ **investigate whether a state governmental authority, any agent thereof or any person acting on behalf of a state governmental authority has engaged in** certain patterns or practices that deprive persons of certain rights, privileges or immunities. **Section 1 requires the Attorney General to notify the governmental authority if the Attorney General has reasonable cause to believe that any such conduct has occurred and authorizes the governmental authority to respond to the notification within 30 days. If the Attorney General and the governmental authority cannot reach an agreement as to the course of action for the governmental authority to take to remedy, change or eliminate the identified pattern or practice within 60 days after the last day on which the governmental authority may respond to the notification, section 1 authorizes the Attorney General to file a civil action against the governmental authority to eliminate the identified pattern or practice.** For the purposes of enabling the Attorney General to ~~proceed with such a civil action,~~ **carry out an investigation,** section 1 also authorizes the Attorney General to require certain persons to appear and testify and to produce certain documentation and tangible items. ~~Section 2 of this bill makes a conforming change to indicate the appropriate placement of section 1 in the Nevada Revised~~

Statutes.] At the conclusion of such an investigation, section 1 requires the Attorney General to issue a report that includes a determination based on the results of the investigation.

Section 1 additionally requires that any state officer or employee or local governmental officer or employee who discloses a pattern or practice of conduct by a state governmental authority, any agent thereof or any person acting on behalf of a state governmental authority be afforded all protections against reprisal or retaliation provided by the provisions of law relating to the disclosure of improper governmental action.

Finally, section 1 requires the Attorney General to participate and cooperate in any investigation by the United States Department of Justice regarding whether the Office of the Attorney General has engaged in certain patterns or practices that deprive persons of certain rights, privileges or immunities.

Section 4 of this bill makes a conforming change relating to the information that is made confidential and not a public record pursuant to section 1.

~~[Section 3 of this bill: (1) provides that if a peace officer uses physical force that results in substantial bodily harm to or the death of another person, the law enforcement agency that employs the peace officer must notify the Attorney General within 72 hours after the incident; (2) authorizes the Attorney General to assign personnel to observe any ensuing investigation of the incident; and (3) requires the district attorney to determine whether he or she intends to prosecute the incident or refer the case to the Attorney General and to notify the Attorney General of that determination.]~~

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. A state governmental authority, any agent thereof or any person acting on behalf of a state governmental authority shall not engage in a pattern or practice of conduct by peace officers ~~for by~~ , officials or employees of any state law enforcement agency or officials or employees of any governmental ~~agency~~ authority with responsibility for the administration of juvenile justice or the detention of juveniles that deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States or this State.

2. The Attorney General may investigate any violation of subsection 1. If the Attorney General has reasonable cause to believe that a violation of subsection 1 has occurred, the Attorney General ~~for or in the name of the State of Nevada, may, in accordance with the requirements of this section, file a civil action seeking to obtain any and all appropriate equitable and declaratory relief to eliminate the identified pattern or practice. Before~~ must, before filing a civil action, ~~the Attorney General must~~ notify the

governmental authority ~~for an agent thereof~~ and provide the factual basis that supports his or her reasonable cause to believe that a violation of subsection 1 has occurred. ~~¶¶~~ The governmental authority may respond to the notification at any time within 30 days after the date on which the governmental authority receives the notification.

3. The Attorney General may, in accordance with the requirements of this section, file a civil action against the governmental authority ~~for an agent thereof has not changed or eliminated the pattern or practice within 60 days after receiving such notification, the Attorney General may file a civil action seeking to~~, for or in the name of the State of Nevada:

(a) To obtain any and all appropriate equitable and declaratory relief to eliminate the identified pattern or practice;

~~3.¶~~ if the Attorney General and the governmental authority cannot reach an agreement regarding the course of action for the governmental authority to take to remedy, change or eliminate the identified pattern or practice within 60 days after the last day on which the governmental authority may respond to the notification; or

(b) To enforce the terms of any such agreement that is reached by the Attorney General and the governmental authority.

4. Any civil action filed by the Attorney General pursuant to subsection 3 must be filed in the district court of the county where the governmental authority maintains its headquarters.

5. For the purpose of carrying out an investigation pursuant to the provisions of this section, the Attorney General or his or her designee may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant ~~materials~~ evidence, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects ~~¶~~ maintained by the governmental authority. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Attorney General may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials as required by the subpoena, or has refused to answer questions propounded to him or her,

↪ and asking for an order of the court compelling the witness to attend, testify or produce materials. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was ~~(regularly)~~ properly issued by the Attorney General or his or

her designee, the court shall enter an order that the witness appear at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order, the witness must be dealt with as for contempt of court.

~~4. All public officers and their deputies, assistants, clerks, subordinates or employees shall render and furnish to the Attorney General or his or her designee, when so requested, assistance and all information in the possession or within the power of the person relating to investigations carried out under the provisions of this section. Any person who willfully fails to comply with this subsection is guilty of a misdemeanor.~~

~~5.~~ 6. Except as otherwise provided in NRS 239.0115, the content of any investigation, including, without limitation, the identity of a witness, any procedure, testimony taken, document or other tangible evidence produced, or any answer made under this section is confidential and not subject to disclosure as a public book or record unless and until the filing of a civil action pursuant to this section, except if:

(a) Confidentiality is waived by the person upon whom the investigative demand is made;

(b) Disclosure is authorized by the district court; or

(c) Disclosure is made by a federal court ~~or~~ or federal agency . or governmental agency in another state or other governmental agency in this State.

~~6.~~ 7. At the conclusion of an investigation by the Attorney General pursuant to this section, the Office of the Attorney General shall issue:

(a) A report that includes a determination that the governmental authority did not engage in a pattern or practice of conduct that deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States or this State;

(b) A report that includes a determination that the allegations that the governmental authority engaged in a pattern or practice of conduct that deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States or this State could not be substantiated; or

(c) A report that includes:

(1) A determination that the governmental authority engaged in a pattern or practice of conduct that deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States or this State; and

(2) The course of action mutually agreed upon by the Attorney General and the governmental authority to remedy, change or eliminate the identified pattern or practice, or a copy of the civil action filed against the governmental authority pursuant to paragraph (a) of subsection 3.

8. Any state officer, state employee, local officer or local employee who discloses a pattern or practice of conduct prohibited by subsection 1 must be

afforded all protections against reprisal or retaliation as provided by NRS 281.611 to 281.671, inclusive.

9. In addition to the requirements set forth in this section, the Attorney General shall participate and cooperate in any investigation by the United States Department of Justice regarding whether the Office of the Attorney General has engaged in a pattern or practice of conduct that deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States or this State.

10. As used in this section ~~“peace”~~:

(a) “Law enforcement agency” has the meaning ascribed to it in NRS 289.010.

(b) “Peace officer” means a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

(c) “Relevant evidence” has the meaning ascribed to it in NRS 48.015.

Sec. 2. ~~[NRS 41.0305 is hereby amended to read as follows:~~

~~41.0305 As used in NRS 41.0305 to 41.039, inclusive, and section 1 of this act, the term “political subdivision” includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, an irrigation district, a school district, the governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.] (Deleted by amendment.)~~

Sec. 3. ~~[Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If a peace officer uses physical force that results in substantial bodily harm to or the death of another person, the law enforcement agency which employs the peace officer shall, within 72 hours after the use of such physical force, provide notice of the incident to the Office of the Attorney General.~~

~~2. Upon receipt of notice of an incident pursuant to subsection 1, the Attorney General may assign personnel to observe any ensuing investigation. For purposes of maintaining the confidentiality of the investigative process, the personnel assigned to such an investigation are considered members of the investigatory team and are entitled to full access to all investigation materials and findings afforded to other members of the investigatory team.~~

~~3. Upon completion of the investigation of an incident described in subsection 1, the district attorney of the county in which the incident occurred shall determine if he or she intends to prosecute the incident or refer the incident to the Attorney General and shall notify the Attorney~~

~~General of his or her determination. The district attorney shall not decline to prosecute an incident before a determination by the Attorney General that the Attorney General does not intend to prosecute the incident.~~

~~4. As used in this section:~~

~~(a) "Law enforcement agency" means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.~~

~~(b) "Peace officer" means a 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. 4. 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 1 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.

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. 126.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 278.

SUMMARY—~~Provides for presidential preference primary election.]~~
Revises provisions relating to elections. (BDR 24-99)

AN ACT relating to elections; **revising the deadline for a candidate to file a declaration of candidacy**; providing for a presidential preference primary election; setting forth requirements and procedures for holding a presidential preference primary election; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that the period for filing a declaration of candidacy: (1) for judicial candidates begins the first Monday in January of the year of the election and ends the second Friday after the first Monday in January; and (2) for all nonjudicial candidates begins the first Monday in March of the year of the election and ends the second Friday after the first Monday in March. (NRS 293.177) Section 6.5 of this bill instead provides that the period for filing a declaration of candidacy for all candidates other than candidates for a presidential preference primary election begins the last Monday in February of the year of the election and ends the third Friday after the last Monday in February. Sections 6.2, 6.7, 35.3 and 35.6 of this bill make conforming changes relating to candidates of a minor political party, independent candidates and candidates in a city election.

This bill **also** establishes requirements and procedures for conducting a presidential preference primary election, which is an election held in a presidential election year to determine the preferences of the registered voters of a major political party regarding the party’s nominee for President of the United States.

Section 43 of this bill requires, with certain exceptions, that a presidential preference primary election be held for each major political party on the **first Tuesday** ~~immediately preceding the last Tuesday~~ in ~~January~~ **February** of each presidential election year.

Section 44 of this bill sets forth the process for a qualified candidate to file a declaration of candidacy for a presidential preference primary election. **Section 41** of this bill defines the term “qualified candidate.”

Section 45 of this bill requires the county clerk to publish certain information regarding the presidential preference primary election.

Section 46 of this bill provides that a registered voter may cast a ballot at a presidential preference primary election for a major political party only if the registered voter designated on his or her application to register to vote an affiliation with the party. **Section 47** of this bill provides that such a registered voter may cast a ballot at the presidential preference primary election at any polling place in the county. **Section 11** of this bill makes a conforming change to require a county clerk to establish at least one vote center in the county for the day of the presidential preference primary election.

Section 47 of this bill sets forth various duties of a county clerk related to the presidential preference primary election, including distributing sample

ballots, establishing polling places, distributing absent ballots and, if applicable, distributing mail ballots or mailing ballots. **Sections 12-16** of this bill make conforming changes to existing provisions relating to absent ballots and mailing ballots.

Section 48 of this bill requires a period for early voting for a presidential preference primary election that begins 10 calendar days before the election and extends through the Friday before the election. **Section 17** of this bill makes a conforming change related to the general process for early voting.

Section 50 of this bill requires the Secretary of State to compile the returns of the presidential preference primary election for each qualified candidate of the major political party, prepare an abstract of the returns and certify the number of votes received by each qualified candidate.

Sections 49 and 51 of this bill provide that the cost of a presidential preference primary election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account. **Section 23** of this bill makes a conforming change related to the cost of distributing sample ballots.

Sections 2-5 of this bill make conforming changes related to the precinct meetings and party conventions of major political parties to account for holding a presidential preference primary election.

Section 6 of this bill clarifies that the minor political parties do not participate in the presidential preference primary election.

Section 7 of this bill requires, with certain exceptions, the Secretary of State to adopt regulations relating to a presidential preference primary election.

Sections 8 and 18 of this bill authorize an Indian tribe to request the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for a presidential preference primary election.

Section 9 of this bill sets forth the procedure for a registered voter to apply to vote at a presidential preference primary election.

Section 10 of this bill requires the county clerk to post certain notices if a candidate whose name appears on the ballot at a presidential preference primary election dies before the closing of the polls.

Section 19 of this bill requires the county clerk to collect and submit to the Secretary of State certain information regarding each presidential preference primary election consistent with the requirements to collect and submit to the Secretary of State information for a primary or general election.

Sections 20-22 and 25 of this bill amend existing provisions relating to voter registration to account for presidential preference primary elections.

Section 24 of this bill requires the county clerk to ascertain by precinct and district the number of registered voters in the county and their political affiliation before the presidential preference primary election consistent with the existing requirements for a primary or general election.

Section 26 of this bill amends the definition of “election” so that provisions that allow certain voter registration after the close of registration and same day voter registration apply to the presidential preference primary election.

Sections 27-32 of this bill make various changes to specify that provisions relating to elections affected by certain emergencies or disasters also apply to presidential preference primary elections.

Sections 33-35 of this bill specify that provisions relating to mechanical voting systems and machines also apply to presidential preference primary elections.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

“Presidential preference primary election” means an election held in a presidential election year pursuant to sections 37 to 50, inclusive, of this act to determine the preferences of the registered voters of a major political party regarding the party’s nominee for President of the United States.

Sec. 2. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 3. NRS 293.135 is hereby amended to read as follows:

293.135 1. The county central committee of each major political party in each county shall have a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention called and held on the dates set for the precinct meeting by the respective state central committees in each year in which a general election is held. ***In any year in which a presidential preference primary election is held for the major political party, the precinct meeting must not be held until after the results of the presidential preference primary election are certified by the Secretary of State.***

2. The meeting must be held in one of the following places in the following order of preference:

(a) Any public building within the precinct if the meeting is for a single precinct, or any public building which is in reasonable proximity to the precincts and will accommodate a meeting of two or more precincts; or

(b) Any private building within the precinct or one of the precincts.

3. The county central committee shall give notice of the meeting by:

(a) Posting in a conspicuous place outside the building where the meeting is to be held; and

(b) Publishing in one or more newspapers of general circulation in the precinct, published in the county, if any are so published,

➡ on the date set for giving notice of the meeting by the respective state central committees.

4. The notice must be printed in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

Notice to All Voters Registered
in the (State Name of Major Political Party)

Nevada state law requires each major political party, in every year during which a general election is held, to have a precinct meeting held for each precinct. All persons registered in the party and residing in the precinct are entitled to attend the precinct meeting. Delegates to your party's county convention will be elected at the meeting by those in attendance. Set forth below are the time and place at which your precinct meeting will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend your precinct meeting.

5. The notice must specify:

(a) The date, time and place of the meeting; and

(b) The number of delegates to the county convention to be chosen at the meeting.

Sec. 4. NRS 293.137 is hereby amended to read as follows:

293.137 1. Promptly at the time and place appointed therefor, the mass meeting must be convened and organized for each precinct. If access to the premises appointed for any such meeting is not available, the meeting may be convened at an accessible place immediately adjacent thereto. The meeting must be conducted openly and publicly and in such a manner that it is freely accessible to any registered voter of the party calling the meeting who resides in the precinct and is desirous of attending the meeting, until the meeting is adjourned. At the meeting, the delegates to which the members of the party residing in the precinct are entitled in the party's county convention must be elected pursuant to the rules of the state central committee of that party. ~~In presidential election years, the election of delegates may be a part of expressing preferences for candidates for the party's nomination for President of the United States if the rules of the party permit such conduct.~~ The result of the election *of delegates* must be certified to the county convention of the party by the chair and the secretary of the meeting upon the forms specified in subsection 3.

2. At the precinct meetings, the delegates and alternates to the party's convention must be elected. If a meeting is not held for a particular precinct at the location specified, that precinct must be without representation at the county convention unless the meeting was scheduled, with proper notice, and no registered voter of the party appeared. In that case, the meeting shall be deemed to have been held and the position of delegate is vacant. If a position of delegate is vacant, it must be filled by the designated alternate, if any. If there is no designated alternate, the vacancy must be filled pursuant to the rules of the party, if the rules of the party so provide, or, if the rules of the party do not so provide, the county central committee shall appoint a delegate from among the qualified members of the party residing in the precinct in which the

vacancy occurred, and the secretary of the county central committee shall certify the appointed delegate to the county convention.

3. The county central committee shall prepare and number serially a number of certificate forms equal to the total number of delegates to be elected throughout the county, and deliver the appropriate number to each precinct meeting. Each certificate must be in duplicate. The original must be given to the elected delegate, and the duplicate transmitted to the county central committee.

4. All duplicates must be delivered to the chair of the preliminary credentials committee of the county convention. Every delegate who presents a certificate matching one of the duplicates must be seated without dispute.

5. Each state central committee shall adopt written rules governing, but not limited to, the following procedures:

- (a) The selection, rights and duties of committees of a convention;
- (b) Challenges to credentials of delegates; and
- (c) Majority and minority reports of committees.

Sec. 5. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state convention shall be held 30 days before the date set for the national convention and the county conventions shall be held 60 days before the date set for the national convention.

2. Delegates to such conventions shall be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, and each convention shall have and exercise all of the power granted it under NRS 293.130 to 293.160, inclusive. In addition to such powers granted it, the state convention shall select the necessary delegates and alternates to the national convention of the party and, if consistent with the rules and regulations of the party, shall select the national committeeman and committeewoman of the party from the State of Nevada.

3. *Any rules or regulations of the party governing the election of delegates and alternates to the national convention of the party, or directing the votes of delegates at the national convention must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.*

Sec. 6. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election ~~or~~ ***or presidential preference primary election.***

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171,

must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the third Friday in June preceding the general election, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

Sec. 6.2. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

↪ must file with the Secretary of State a list of its candidates for partisan office not earlier than the ~~first~~ last Monday in ~~March~~ February preceding the election and not later than 5 p.m. on the ~~second~~ third Friday after the ~~first~~ last Monday in ~~March~~ February. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the ~~second~~ third Friday after the ~~first~~ last Monday in ~~March~~ February.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State and not later than 5 p.m. on the ~~second~~ third Friday after the ~~first~~ last Monday in ~~March~~ February.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August.

Sec. 6.5. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than

~~the~~

~~(a) For a candidate for judicial office, the first, the last Monday in ~~January~~ February of the year in which the election is to be held and not later than 5 p.m. on the ~~second~~ third Friday after the ~~first~~ last Monday in ~~January~~ and~~

~~(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. February.~~

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of for the
Office of

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the

concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

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

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

Declaration of Candidacy of for the
Office of

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of

treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

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

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been

assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 6.7. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the ~~first~~ **last** Monday in ~~March~~ **February** preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the ~~first~~ last Monday in ~~March~~ February of the year in which the election is held and not later than 5 p.m. on the ~~second~~ third Friday after the ~~first~~ last Monday in ~~March~~ February.

Sec. 7. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, ***presidential preference primary***, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election. ***Permanent regulations of the Secretary of State that regulate the conduct of a presidential preference primary election and are effective on or before the last business day of September immediately preceding a presidential preference primary election govern the conduct of that election.***

2. The Secretary of State shall prescribe the forms for a declaration of candidacy and any petition which is filed pursuant to the election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors, registered voters or other persons who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to preregister and register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, *presidential preference primary*, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 8. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary election , *presidential preference primary election* or general election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election , *presidential preference primary election* or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(2) *If the request is for a presidential preference primary election, the first Friday in November of the year immediately preceding the year of the presidential preference primary election.*

(3) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election, ***presidential preference primary election*** or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election, ***presidential preference primary election*** or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the county clerk establishes one or more polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election, ***presidential preference primary election*** or general election, the county clerk must continue to establish one or more polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary election, ***presidential preference primary election*** or general election unless otherwise requested by the Indian tribe.

Sec. 9. NRS 293.287 is hereby amended to read as follows:

293.287 1. A registered voter applying to vote at any primary election ***or presidential preference primary election*** shall give his or her name and political affiliation, if any, to the election board officer in charge of the roster, and the officer shall immediately announce the name and political affiliation.

2. Any person's right to vote may be challenged by any registered voter upon:

- (a) Any of the grounds allowed for a challenge in NRS 293.303;
- (b) The ground that the person applying does not belong to the political party designated upon the roster; or
- (c) The ground that the roster does not show that the person designated the political party to which he or she claims to belong.

3. Any such challenge must be disposed of in the manner provided by NRS 293.303.

4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.

Sec. 10. NRS 293.302 is hereby amended to read as follows:

293.302 If a candidate whose name appears on the ballot at a primary election , ***presidential preference primary election*** or general election dies after the applicable dates set forth in NRS 293.368 but before the time of the closing of the polls on the day of the election, the county clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary election , ***presidential preference primary election*** or general election.

Sec. 11. NRS 293.3072 is hereby amended to read as follows:

293.3072 1. A county clerk ~~may~~ :

(a) ***May*** establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

(b) ***Must establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the presidential preference primary election.***

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 12. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The county clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to:

(a) Each registered voter who:

(1) Resides within the State, not later than 20 days before the election in which it is to be used; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before a primary ***election, presidential preference primary election*** or general election, if possible.

(b) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

3. Any untimely legal action which would prevent the ballot from being distributed to any voter pursuant to subsection 2 is moot and of no effect.

Sec. 13. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272, 293.316, 293.3165 and 293.502, a registered voter may request an absent ballot if, before 5 p.m. on the 14th calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary ***election, presidential preference primary election*** and general ~~elections~~ ***election*** immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 14. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. Except as otherwise provided in this section, a registered voter who provides sufficient written notice to the county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. The written notice is effective for all elections that are conducted after the registered voter provides the written notice to the county clerk, except that the written notice is not effective for the next ensuing election unless the written notice is provided to the county clerk before the time has elapsed for requesting an absent ballot for the election pursuant to subsection 1 of NRS 293.313.

2. Except as otherwise provided in this section or for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, upon receipt of the written notice provided by the registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, ***presidential preference primary election***, general election and special election, other than a special city election, that is conducted after the written notice is effective pursuant to subsection 1.

(b) Inform the applicable city clerk of receipt of the written notice provided by the registered voter. Upon being informed of the written notice by the county clerk, the city clerk shall issue an absent ballot for each primary city election, ***presidential preference primary election***, general city election and special city election that is conducted after the written notice is effective pursuant to subsection 1.

3. The county clerk must not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530;

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 293.535 or 293.540; or

(c) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

4. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 15. NRS 293.343 is hereby amended to read as follows:

293.343 1. Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, a registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk and Secretary of State that there are not more than 200 registered voters, may vote at any election regulated by this chapter *or chapter 298 of NRS* in the manner provided in NRS 293.343 to 293.355, inclusive.

2. Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter *or chapter 298 of NRS* in the manner provided in NRS 293.343 to 293.355, inclusive.

3. In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 16. NRS 293.345 is hereby amended to read as follows:

293.345 1. Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary election, ***presidential preference primary election*** or general election, the county clerk shall cause to be mailed to each registered voter in each mailing precinct and in each absent ballot mailing precinct a mailing ballot, and accompanying supplies, as specified in NRS 293.350.

2. If the county clerk has designated, pursuant to subsection 3 or 4 of NRS 293.343, one or more polling places where a voter may vote in person, the mailing ballot and the sample ballot must include a notice in bold type informing the voter of the location of the designated polling place or polling places on election day and the polling places during the period for early voting where the voter may vote in person pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353.

3. Any untimely legal action which would prevent the mailing ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 17. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made to vote early by a registered voter in person, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572 ~~+~~ ***or section 47 of this act.***

Sec. 18. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the general election is to be held.

(2) ***If the request is for a presidential preference primary election, the first Friday in November of the year immediately preceding the year of the presidential preference primary election.***

(3) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy

the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the county clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 19. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary ***election, presidential preference primary election*** and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast pursuant to NRS 293.3078 to 293.3086, inclusive, and the reason for the casting of each such provisional ballot.

(h) The number of provisional ballots cast pursuant to NRS 293.5772 to 293.5887, inclusive.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary *election, presidential preference primary election* and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 20. NRS 293.485 is hereby amended to read as follows:

293.485 1. Every citizen of the United States, 18 years of age or over, who has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:

(a) Primary election;

(b) Primary city election;

(c) *Presidential preference primary election;*

(d) General election; or

~~[(d)]~~ (e) General city election,
↪ and who has registered in the manner provided in this chapter, is entitled to vote at that election.

2. This section does not exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding:

- (a) Primary election;
- (b) Primary city election;
- (c) ***Presidential preference primary election;***
- ~~(d)~~ General election;
- ~~[(d)]~~ (e) General city election; or
- ~~[(e)]~~ (f) Any other election.

Sec. 21. NRS 293.5057 is hereby amended to read as follows:

293.5057 A person who does not maintain a residence in this State may preregister or register to vote for the office of President and Vice President of the United States ***at the general election*** if the person files a sworn statement with the county clerk or field registrar of voters that the person is not preregistered or registered to vote in any other state and provides evidence:

- 1. Of his or her domicile in this State in accordance with the provisions of NRS 41.191;
- 2. That he or she maintains an account at a financial institution located in this State; or
- 3. That his or her motor vehicle is registered in this State.

Sec. 22. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary ***election, presidential preference primary election*** or general election, or a recall or special election that is held on the same day as a primary ***election, presidential preference primary election*** or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary ***election, presidential preference primary election*** or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary ***election, presidential preference primary election*** or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary ***election, presidential preference primary election*** or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary ***election, presidential preference primary election*** or general election, unless the system

is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special election is not held on the same day as a primary ***election, presidential preference primary election*** or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary ***election, presidential preference primary election*** or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➡ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 23. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word “Incumbent” must appear on the ballot next to the name of the candidate who is the incumbent, the word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE OR
PLACES HAS CHANGED SINCE THE LAST ELECTION**

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

- (a) Be prepared in at least 12-point type; and
- (b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary ***election, presidential preference primary election*** or general election must be borne by the political subdivision holding the election.

Sec. 24. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the Friday preceding the primary election , ***after the close of registration for each presidential preference primary election but not later than the Friday preceding the presidential preference primary election*** and

after the close of registration for each general election but not later than the Friday preceding the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 25. NRS 293.5737 is hereby amended to read as follows:

293.5737 1. The Department of Motor Vehicles shall follow the procedures described in this section and NRS 293.5742 and 293.5747 if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.

2. Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:

(a) Of the qualifications to vote in this State, as provided by NRS 293.485;

(b) That, unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable:

(1) The person is deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530; and

(2) The Department will transmit to the county clerk of the county in which the person resides all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;

(c) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and

(3) The person will not be able to vote at a primary election, ***presidential preference primary election*** or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(d) Of the provisions of subsections 2 and 3 of NRS 293.5757.

3. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 2:

(a) Is not a declination by the person to apply to register to vote or have his or her voter registration information updated; and

(b) Shall not be deemed to affect any duty of the Department, the Secretary of State or any county clerk:

(1) Relating to the application of the person to register to vote; or

(2) To update the voter registration information of the person.

4. The Department:

(a) Shall prescribe by regulation the form of the notice required by subsection 2 and the procedure for providing it; and

(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection 2.

Sec. 26. NRS 293.5777 is hereby amended to read as follows:

293.5777 “Election” means:

1. A primary election;

2. ***A presidential preference primary election;***

3. A general election;

~~3.4~~ 4. A primary city election; or

~~4.4~~ 5. A general city election.

Sec. 27. NRS 293.8811 is hereby amended to read as follows:

293.8811 “Affected election” or “election” means a primary election, primary city election, ***presidential preference primary election***, general election, general city election or special election which, in accordance with the provisions of NRS 293.8821, is deemed to be an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.

Sec. 28. NRS 293.8821 is hereby amended to read as follows:

293.8821 1. Except as otherwise provided in this section, if a state of emergency or declaration of disaster is proclaimed by the Governor or by resolution of the Legislature pursuant to NRS 414.070 for the entire State of Nevada, the following elections are deemed to be affected elections that are subject to the provisions of NRS 293.8801 to 293.8887, inclusive:

(a) A primary election, if on the March 1 preceding the primary election, the state of emergency or declaration of disaster is in effect for the entire State of Nevada.

(b) ***A presidential preference primary election, if on the October 1 preceding the presidential preference primary election, the state of emergency or declaration of disaster is in effect for the entire State of Nevada.***

(c) A primary city election:

(1) Held on the date of the primary election set forth in NRS 293.175, if on the March 1 preceding the primary city election, the state of emergency or declaration of disaster is in effect for the entire State of Nevada.

(2) Held on a date other than the date of the primary election set forth in NRS 293.175, if on the date that is 90 days preceding the date of the primary city election, the state of emergency or declaration of disaster is in effect for the entire State of Nevada.

~~4.4~~ (d) A general election, if on the July 1 preceding the general election, the state of emergency or declaration of disaster is in effect for the entire State of Nevada.

~~4.4~~ (e) A general city election:

(1) Held on the date of the general election set forth in NRS 293.12755, if on the July 1 preceding the general city election, the state of emergency or declaration of disaster is in effect for the entire State of Nevada.

(2) Held on a date other than the date of the general election set forth in NRS 293.12755, if on the date that is 90 days preceding the date of the general city election, the state of emergency or declaration of disaster is in effect for the entire State of Nevada.

~~(e)~~ (f) A special election, if:

(1) On the date that the call for the special election is issued, the state of emergency or declaration of disaster is in effect for the entire State of Nevada; or

(2) The special election is held on the same day as a primary election, primary city election, general election or general city election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.

2. If a state of emergency or declaration of disaster is proclaimed by the Governor or by resolution of the Legislature pursuant to NRS 414.070 for the entire State of Nevada after the applicable date set forth in subsection 1 for an election, the Governor may order that the election is deemed to be an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, if the Governor finds that:

(a) The health, safety and welfare of voters and elections personnel or the security and integrity of the election may be adversely affected by the emergency or disaster; and

(b) Elections officials have sufficient time to comply with the requirements set forth in NRS 293.8801 to 293.8887, inclusive, and any applicable requirements set forth in federal law for the election.

3. If a state of emergency or declaration of disaster is proclaimed by the Governor or by resolution of the Legislature pursuant to NRS 414.070 for one or more specific areas of the State of Nevada affected by the emergency or disaster but not for the entire State of Nevada as provided in subsection 1 or 2, the Governor may order that an election in one or more of those specific areas is deemed to be an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, if the Governor finds that:

(a) The health, safety and welfare of voters and elections personnel or the security and integrity of the election may be adversely affected by the emergency or disaster; and

(b) Elections officials have sufficient time to comply with the requirements set forth in NRS 293.8801 to 293.8887, inclusive, and any applicable requirements set forth in federal law for the election.

Sec. 29. NRS 293.8831 is hereby amended to read as follows:

293.8831 1. Except as otherwise provided in this section, if any affected election is:

(a) A primary election or general election, the provisions of NRS 293.356 to 293.361, inclusive, governing early voting by personal appearance apply to the election.

(b) *A presidential preference primary election, the provisions of section 47 of this act, governing early voting by personal appearance apply to the election.*

(c) A primary city election or general city election, the provisions of NRS 293C.355 to 293C.361, inclusive, governing early voting by personal appearance apply to the election if the city has provided for early voting by personal appearance pursuant to NRS 293C.110.

2. If the affected election is a primary election, ***presidential preference primary election*** or general election, the county clerk must establish:

(a) In a county whose population is 700,000 or more, at least 35 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.

(b) In a county whose population is 100,000 or more but less than 700,000, at least 15 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.

(c) In a county whose population is less than 100,000, at least 1 permanent polling place for early voting by personal appearance.

3. In addition to the polling places for early voting established pursuant to subsection 2, the county clerk must establish a temporary polling place for early voting by personal appearance within the boundaries of an Indian reservation or Indian colony that is located in whole or in part within the county if:

(a) The Indian tribe submits a request to the county clerk for the establishment of such a temporary polling place for early voting; and

(b) The request described in paragraph (a) is submitted to the county clerk:

(1) For a primary election, not later than the April 1 preceding the primary election; ~~for~~

(2) ***For a presidential preference primary election, not later than the December 1 preceding the presidential preference primary election; or***

(3) For a general election, not later than the September 1 preceding the general election.

4. If the affected election is a primary city election or a general city election and the city has provided for early voting by personal appearance pursuant to NRS 293C.110, the city clerk must establish at least one permanent polling place for early voting by personal appearance in the city.

5. In addition to the polling place for early voting established pursuant to subsection 4, the city clerk must establish a temporary polling place for early voting by personal appearance within the boundaries of an Indian reservation or Indian colony that is located in whole or in part within the city if:

(a) The Indian tribe submits a request to the city clerk for the establishment of such a temporary polling place for early voting; and

(b) The request described in paragraph (a) is submitted to the city clerk:

(1) For a primary city election:

(I) Held on the date of the primary election set forth in NRS 293.175, not later than the April 1 preceding the primary city election.

(II) Held on a date other than the date of the primary election set forth in NRS 293.175, not later than 45 days before the date of the primary city election.

(2) For a general city election:

(I) Held on the date of the general election set forth in NRS 293.12755, not later than the September 1 preceding the general city election.

(II) Held on a date other than the date of the general election set forth in NRS 293.12755, not later than 45 days before the date of the general city election.

Sec. 30. NRS 293.8834 is hereby amended to read as follows:

293.8834 1. Except as otherwise provided in this section, for any affected election, the county or city clerk, as applicable, may establish one or more polling places as vote centers for the day of the election.

2. If the affected election is a primary election, ***presidential preference primary election*** or general election, the county clerk:

(a) In a county whose population is 700,000 or more, must establish at least 100 vote centers for the day of the election.

(b) In a county whose population is 100,000 or more but less than 700,000, must establish at least 25 vote centers for the day of the election.

(c) In a county whose population is less than 100,000, may establish one or more vote centers for the day of the election.

Sec. 31. NRS 293.8837 is hereby amended to read as follows:

293.8837 1. If any affected election is a primary election, ***presidential preference primary election***, primary city election, general election or general city election, the provisions of NRS 293.5772 to 293.5887, inclusive, apply to the election.

2. Except as otherwise provided in subsection 3, the county or city clerk, as applicable, may establish polling places for the election precincts in the county or city, as applicable, where:

(a) A voter may vote in person on the day of the election in his or her election precinct; and

(b) A person may register to vote pursuant to NRS 293.5772 to 293.5887, inclusive, and vote in person on the day of the election in his or her election precinct.

3. If, for a primary election or general election, the county clerk in a county whose population is less than 100,000 does not establish at least one vote center for the day of the election pursuant to NRS 293.8834, the county clerk must establish polling places for the election precincts in the county for the day of the election where:

(a) A voter may vote in person on the day of the election in his or her election precinct; and

(b) A person may register to vote pursuant to NRS 293.5772 to 293.5887, inclusive, and vote in person on the day of the election in his or her election precinct.

4. If, for a primary city election or general city election, the city clerk does not establish at least one vote center for the day of the election pursuant to NRS 293.8834, the city clerk must establish polling places for the election precincts in the city for the day of the election where:

(a) A voter may vote in person on the day of the election in his or her election precinct; and

(b) A person may register to vote pursuant to NRS 293.5772 to 293.5887, inclusive, and vote in person on the day of the election in his or her election precinct.

Sec. 32. NRS 293.8841 is hereby amended to read as follows:

293.8841 1. Except as otherwise provided in this section, if any affected election is:

(a) A primary election, ***presidential preference primary election*** or general election, the provisions of NRS 293.2733 and 293.2735 apply to a request for the establishment of a polling place for the election.

(b) A primary city election or general city election, the provisions of NRS 293C.2675 and 293C.268 apply to a request for the establishment of a polling place for the election.

2. The request for the establishment of:

(a) A polling place pursuant to NRS 293.2733 or 293.2735 must be submitted to the county clerk not later than the April 1 before the primary election, ***the December 1 before the presidential preference primary election*** or the September 1 before the general election, as applicable.

(b) A polling place pursuant to NRS 293C.2675 or 293C.268 must be submitted to the city clerk:

(1) For a primary city election:

(I) Held on the date of the primary election set forth in NRS 293.175, not later than the April 1 preceding the primary city election.

(II) Held on a date other than the date of the primary election set forth in NRS 293.175, not later than 45 days before the date of the primary city election.

(2) For a general city election:

(I) Held on the date of the general election set forth in NRS 293.12755, not later than September 1 preceding the general city election.

(II) Held on a date other than the date of the general election set forth in NRS 293.12755, not later than 45 days before the date of the general city election.

Sec. 33. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes or, in a primary election ~~††~~ **or presidential preference primary election**, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

- (1) A primary election held in an even-numbered year; ~~††~~
- (2) **A presidential preference primary election; or**
- (3) A general election,

→ the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election ~~††~~ **or presidential preference primary election**, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 34. NRS 293B.190 is hereby amended to read as follows:

293B.190 When used in primary elections ~~††~~ **or presidential preference primary elections**, the list of offices and candidates and the statements of measures to be voted on for each mechanical recording device, except those devices intended solely for nonpartisan voters, must be so arranged that it contains a page or pages setting forth the ballot of one major political party only. ~~††~~ **For a primary election, the page or pages setting forth the ballot of one major political party must be** followed by a page or pages setting forth the nonpartisan ballot and so that the voter may cast partisan and nonpartisan votes on a single ballot but may not cast partisan votes for a candidate of another major political party.

Sec. 35. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election ~~††~~ **or presidential preference primary election**, a member of the election board for a precinct shall issue each partisan voter a ballot which contains a distinctive code associated with the major political party of the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election **or presidential preference primary election** whereby votes are directly recorded electronically, a member of the election board shall, if the clerk uses voting receipts, in addition to the ballot described in subsection 1, issue each partisan voter a voting receipt on which is clearly printed the name of the major political party of the voter.

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

Sec. 35.3. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. A general city election must be held in each city of population category three on the first Tuesday after the first Monday in November of the first even-numbered year after incorporation, and at each successive interval of 2 years.

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. The terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. A candidate for an office to be voted for at the general city election must file a declaration of candidacy with the city clerk not earlier than ~~+~~

~~—(a) For the office of judge of a municipal court, the first~~ **the last** Monday in ~~January~~ **February** of the year in which the applicable election is to be held and not later than 5 p.m. on the ~~second~~ **third** Friday after the ~~first~~ **last** Monday in ~~January~~.

~~—(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.~~ **February.**

4. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the city council by ordinance or resolution.

5. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 35.6. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than ~~+~~

~~—(a) For the office of judge of a municipal court, the first~~ **the last** Monday in ~~January~~ **February** of the year in which the applicable election is to be held and not later than 5 p.m. on the ~~second~~ **third** Friday after the ~~first~~ **last** Monday in ~~January~~.

~~(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.~~ **February.**

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 36. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections 37 to 50, inclusive, of this act.

Sec. 37. *As used in sections 37 to 50, inclusive, of this act, the words and terms defined in sections 38 to 41, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 38. *"Mail ballot" has the meaning ascribed to it in NRS 293.8814.*

Sec. 39. *"Mailing ballot" means a mailing ballot distributed to a voter in a mailing precinct or an absent ballot mailing precinct pursuant to NRS 293.343 to 293.355, inclusive.*

Sec. 40. *"Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.*

Sec. 41. *"Qualified candidate" means a person who is qualified to be the nominee of a party for President of the United States pursuant to the Constitution and laws of the United States and the rules of the major political party.*

Sec. 42. 1. *The provisions of chapters 293 and 293B of NRS apply to a presidential preference primary election to the extent that such provisions do not conflict with this chapter.*

2. *If there is a conflict between the provisions of this chapter and chapters 293 and 293B of NRS, the provisions of this chapter control.*

Sec. 43. 1. *Except as otherwise provided in ~~this section,~~ subsection 2, a presidential preference primary election must be held for all major political parties on the first Tuesday immediately preceding the last Tuesday in January in February of each presidential election year. ~~If any other state in the Western United States schedules a presidential preference primary election or caucus to be held in that state earlier than the Tuesday immediately preceding the last Tuesday in January, the Secretary of State~~*

~~must, as soon as practicable and with the approval of the Legislative Commission, select a date for the presidential preference primary election which is not earlier than January 2 of the year of the presidential preference primary election and is not a Saturday, Sunday or legal holiday.~~

2. A presidential preference primary election must not be held for a major political party if only one qualified candidate or no qualified candidate of the major political party files a declaration of candidacy pursuant to section 44 of this act. If only one qualified candidate of the major political party files a declaration of candidacy, the Secretary of State must certify the name of the qualified candidate to the state central committee and the national committee of the major political party.

~~3. As used in this section, "any other state in the Western United States" means the state of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Oregon, Utah, Washington or Wyoming.~~

Sec. 44. If a person who is a qualified candidate to be a major political party's nominee for President of the United States wants to appear on the ballot for a presidential preference primary election that is held for the party, the person must, not earlier than ~~(November)~~ October 1 and not later than 5 p.m. on ~~(November)~~ October 15 of the year immediately preceding the presidential preference primary election, file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State.

Sec. 45. 1. The Secretary of State shall forward to each county clerk the name, party affiliation and mailing address of each qualified candidate whose name must appear on the ballot for the presidential preference primary election.

2. Immediately upon receipt by the county clerk of the list of qualified candidates, the county clerk shall publish a notice of the presidential preference primary election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

- (a) The date of the presidential preference primary election;
- (b) The major political parties that have qualified candidates who will be on the ballot at the presidential preference primary election;
- (c) The location of the polling places in the county, including, without limitation, polling places for early voting by personal appearance; and
- (d) The hours during which the polling places in the county will be open for voting during the period for early voting and the day of the presidential preference primary election.

Sec. 46. 1. There must be a separate presidential preference primary ballot for each major political party that has qualified candidates. The name of the major political party must appear at the top of the ballot. Following this designation must appear the names of qualified candidates of the major political party, grouped alphabetically under the title.

2. *A registered voter may cast a ballot at a presidential preference primary election for a major political party only if the registered voter designated on his or her application to register to vote an affiliation with the party. Such a registered voter may vote for only one qualified candidate on the ballot as the voter's preference for the nominee for President of the United States for the party.*

3. *The provisions of NRS 293.5772 to 293.5887, inclusive, apply to a presidential preference primary election.*

Sec. 47. 1. *In conducting a presidential preference primary election, the county clerk shall:*

(a) *Distribute sample ballots for the presidential preference primary election;*

(b) *Establish polling places for early voting by personal appearance;*

(c) *Permit voting by registered voters of the major political party by absent ballot, military-overseas ballot and, if applicable, by mail ballot or mailing ballot, in the manner and within the time required by chapters 293 and 293D of NRS; and*

(d) *Establish polling places for the day of the presidential preference primary election. The provisions of NRS 293.273 apply to the presidential preference primary election.*

2. *A registered voter who is entitled to cast a ballot at the presidential preference primary election may do so at any polling place in the county.*

Sec. 48. 1. *Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, apply to a presidential preference primary election.*

2. *The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.*

3. *The county clerk may:*

(a) *Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.*

(b) *Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.*

4. *A permanent polling place for early voting must remain open:*

(a) *On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.*

(b) *On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.*

(c) *If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.*

Sec. 49. *The cost of a presidential preference primary election is a charge against the State and must be paid from the Reserve for Statutory*

Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 50. 1. *Immediately after each county has canvassed the returns of a presidential preference primary election ~~for~~ pursuant to NRS 293.387, the Secretary of State shall compile the returns for each qualified candidate of the major political party whose name appears on the ballot for the major political party.*

2. *The Secretary of State shall make out and file in his or her office an abstract of the returns and shall certify the number of votes received by each qualified candidate of the major political party to the party's state central committee and the national committee of the major political party.*

Sec. 51. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 ~~and~~ **and section 49 of this act;**

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 52. 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. 53. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 52, 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 January 1, 2022, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 275.

AN ACT relating to elections; revising the thresholds for a committee for political action to open and maintain a separate account in a financial institution ~~and report~~; **making various changes relating to the reporting requirements of a committee for political action concerning its contributions and expenditures; requiring a committee for political action to report the balance in its bank account at the end of a reporting period; and providing other matters properly relating thereto.**

Legislative Counsel's Digest:

Existing law requires a committee for political action to open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received not later than 1 week after receiving contributions the sum of which, in the aggregate, is \$1,000 or more. (NRS 294A.130) **Section 4** of this bill requires, instead, that a committee for political action must open and maintain such an account not later than 1 week after receiving contributions the sum of which, in the aggregate, is \$100 or more. ~~[This requirement is]~~ **Additionally, sections 2 and 6 of this bill require a committee for political action to report the balance of the account on the ending date of a reporting period. These requirements are** consistent with the ~~requirement~~ **requirements** for candidates to **: (1) open and maintain such an account** ~~+~~ **; and (2) report the balance of the account at the end of a reporting period.** (NRS ~~294A.120,~~ 294A.130)

Under existing law, a committee for political action is required to report: (1) each contribution in excess of \$1,000 received during a reporting period; **and** (2) contributions received during a reporting period from a contributor which cumulatively exceed \$1,000. ~~+~~ ~~(3)~~ **(NRS 294A.140, 294A.150) In addition to such reporting requirements, sections 2 and 6 of this bill require a**

committee for political action to report the total of all contributions received during a reporting period which are \$1,000 or less.

Existing law also requires a committee for political action to report: (1) each expenditure made during a reporting period in excess of \$1,000; and ~~[(4)]~~ **(2)** expenditures made during a reporting period to one recipient which cumulatively exceed \$1,000. (NRS ~~294A.140, 294A.150,~~ 294A.210, 294A.220) ~~Sections 2, 3, 6 and 8 of this bill require, instead, a committee for political action to report: (1) each contribution in excess of \$100 received during a reporting period; (2) contributions received during a reporting period from a contributor which cumulatively exceed \$100; (3) the total of all contributions received during a reporting period which are \$100 or less; (4) the balance in the committee's account on the ending date of a reporting period; (5) each expenditure made during a reporting period in excess of \$100; (6)~~ **(2)** expenditures made during a reporting period to one recipient which cumulatively exceed \$100; and ~~[(7)]~~ **(3)** the total of all expenditures made during a reporting period which are \$100 or less. ~~[(NRS 294A.120, 294A.200)]~~ These new reporting thresholds are consistent with the reporting thresholds for candidates. **(NRS 294A.200)**

Sections 5, 7 and 9-12 of this bill make conforming changes to reflect these new reporting requirements for committees for political action.

Section 13 of this bill specifies that these new requirements: (1) do not apply to any report of contributions or expenditures that is required to be filed by a committee for political action on or before January 15, 2022; and (2) apply to every report of contributions or expenditures that is required to be filed by a committee for political action after January 15, 2022.

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Every committee for political action which receives contributions in excess of ~~[\$100]~~ \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:

(a) Each contribution in excess of ~~[\$100]~~ \$1,000 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed ~~[\$100]~~ \$1,000;

(c) The total of all contributions received during the period which are ~~[\$100]~~ \$1,000 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(d) The balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

2. In addition to the requirements set forth in subsection 1, every committee for political action described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ➡ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

3. Except as otherwise provided in subsections 4, 5 and 6 and NRS 294A.223, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election, ➡ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period. The provisions of this subsection apply to the committee for political action if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each contribution described in paragraphs (a), (b) and (c) of

subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

(b) Insufficient pursuant to chapter 306 of NRS, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.

7. In addition to complying with the applicable requirements of subsections 1 to 6, inclusive, a committee for political action described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period. Nothing in this subsection:

(a) Requires the committee for political action to report information that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the committee for political action to not comply with any applicable requirement set forth in subsections 1 to 6, inclusive.

8. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

10. Every committee for political action described in this section shall file a report required by this section even if the committee for political action receives no contributions.

11. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of ~~(\$100)~~ \$1,000 and contributions which a contributor has made cumulatively in excess of ~~(\$100)~~ \$1,000 since the beginning of the current reporting period.

Sec. 3. 1. Every committee for political action which receives contributions in excess of ~~(\$100)~~ \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:

(a) Each expenditure made during the period in excess of \$100;

(b) Expenditures made during the period to one recipient which cumulatively exceed \$100; and

(c) The total of all expenditures made during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

2. In addition to the requirements set forth in subsection 1, every committee for political action described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ↪ report each expenditure described in subsection 1 made during the period.

3. Except as otherwise provided in subsections 4, 5 and 6 and NRS 294A.223, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each expenditure described in subsection 1 made during the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each expenditure described in subsection 1 made during the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each expenditure described in subsection 1 made during the period. The provisions of this subsection apply to the committee for political action if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each expenditure described in subsection 1 made during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each expenditure described in subsection 1 made during the period.

(b) Insufficient pursuant to chapter 306 of NRS, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each expenditure described in subsection 1 made during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each expenditure described in subsection 1 made during the period.

7. In addition to complying with the applicable requirements of subsections 1 to 6, inclusive, a committee for political action described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each expenditure described in subsection 1 made during the period. Nothing in this subsection:

(a) Requires the committee for political action to report information that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the committee for political action to not comply with any applicable requirement set forth in subsections 1 to 6, inclusive.

8. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

9. *Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.*

10. *If an expenditure is made for or against a group of candidates, the reports must be itemized by the candidate.*

11. *A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every committee for political action described in subsection 1 shall file a report required by this section even if the committee for political action receives no contributions.*

Sec. 4. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate shall, not later than 1 week after receiving minimum contributions of \$100, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

- (a) Was a candidate in a special election, after that election;
- (b) Lost in the primary election, after the primary election; or
- (c) Won the primary election, after the general election,

→ and as soon as all payments of money committed have been made.

3. *Every committee for political action shall, not later than 1 week after receiving contributions the sum of which, in the aggregate, is \$100 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The committee for political action shall not commingle the money in the account with money collected for other purposes.*

4. Every ~~committee for political action,~~ committee sponsored by a political party and committee for the recall of a public officer shall, not later than 1 week after receiving contributions the sum of which, in the aggregate, is \$1,000 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The committee for political action, committee sponsored by a political party or committee for the recall of a public officer shall not commingle the money in the account with money collected for other purposes.

Sec. 5. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every ~~committee for political action,~~ political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, ~~committee and~~ political party **and committee** described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received

during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

3. In addition to the requirements set forth in subsection 2, every person, ~~committee and~~ political party **and committee** described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ➤ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➤ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

→ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of \$1,000 received and contributions received which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, ~~committee and~~ political party **and committee** if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which

the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

(b) Insufficient pursuant to chapter 306 of NRS, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, ~~committee or~~ political party **or committee** described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, ~~committee or~~ political party **or committee** to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, ~~committee or~~ political party **or committee** to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

10. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

11. Every person, ~~committee and~~ political party **and committee** described in this section shall file a report required by this section even if the person, ~~committee or~~ political party **or committee** receives no contributions.

12. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$1,000 and contributions which a contributor has made cumulatively in excess of \$1,000 since the beginning of the current reporting period.

Sec. 6. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report ~~each~~ :

(a) *Each* contribution in excess of \$1,000 ~~(\$100)~~ received during that period ~~and contributions~~ ;

(b) *Contributions* received during the period from a contributor which cumulatively exceed \$1,000 ; ~~(\$100)~~

(c) *The total of all contributions received during the period which are* ~~(\$100)~~ \$1,000 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(d) *The balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.*

2. In addition to the requirements set forth in subsection 1, the committee for political action shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ~~report each contribution in excess of \$1,000~~ **described in paragraphs (a), (b) and (c) of subsection 1** received during the period and ~~contributions received during the period from a contributor which cumulatively exceed \$1,000~~ **the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.**

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution ~~in excess of \$1,000~~ **described in paragraphs (a), (b) and (c) of subsection 1** received during the period and ~~contributions received during the period from a contributor which cumulatively exceed \$1,000~~ **the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.**

4. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

Sec. 7. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every ~~committee for political action,~~ political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, ~~committee and~~ political party **and committee** described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of \$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

3. In addition to the requirements set forth in subsection 2, every person, ~~committee and~~ political party **and committee** described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally

insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, ~~committee and~~ political party **and committee** if the petition for recall:

- (a) Is not submitted to the filing officer as required by chapter 306 of NRS;
- (b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or
- (c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

- (a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

- (1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

- (2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

- (b) Insufficient pursuant to chapter 306 of NRS, every person, ~~committee and~~ political party **and committee** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a

candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, ~~committee or~~ political party **or committee** described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of \$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, ~~committee or~~ political party **or committee** to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, ~~committee or~~ political party **or committee** to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

10. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

11. If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

12. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, ~~committee or~~ political party **or committee** described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 8. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of the election year, for the period from January 1 of the previous year through December 31 of the previous year, report ~~each~~ :

(a) ***Each*** expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~the \$1,000 and such~~ ***\$100***;

(b) ***Such*** expenditures made during the period to one recipient that cumulatively exceed ~~\$1,000~~ ***\$100***; and

(c) ***The total of all such expenditures made during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).***

2. In addition to the requirements set forth in subsection 1, the committee for political action shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,
↪ report each expenditure ***described in subsection 1*** made during the period.
~~{for or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.}~~

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each expenditure ***described in subsection 1*** made during the period.
~~{made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.}~~

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

5. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

6. Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.

7. If an expenditure is made for or against a group of questions, the reports must be itemized by question or petition.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 9. NRS 294A.223 is hereby amended to read as follows:

294A.223 If a special election is held on the same day as a primary election or general election, any candidate, person, committee, political party or nonprofit corporation that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 , **or section 2 or 3 of this act**, shall, in lieu of complying with the requirements of those sections relating to a special election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:

1. A candidate, person, committee, political party or nonprofit corporation is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 , **or section 2 or 3 of this act**, that was due on or before the date on which the call for the special election was issued; and

2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 , **or section 2 or 3 of this act**, is due on or before the 15th day of the second month after the primary election.

Sec. 10. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 , **and section 3 of this act**, must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;
- (l) Fees for filing declarations of candidacy;
- (m) Repayments or forgiveness of loans;
- (n) The disposal of unspent contributions pursuant to NRS 294A.160; and
- (o) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must:

- (a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable; and
- (b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 11. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

- 1. A declaration of candidacy;
- 2. The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or
- 3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

↪ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 , *or section 2 or 3 of this act*, relating to the making,

accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 12. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286, *or section 2 or 3 of this act*, has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, organization, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than \$10,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

↪ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 13. 1. The provisions of this act:

(a) Do not apply to any report of contributions or expenditures that is required to be filed by a committee for political action on or before January 15, 2022.

(b) Applies to every report of contributions or expenditures that is required to be filed by a committee for political action after January 15, 2022.

2. As used in this section:

(a) “Committee for political action” has the meaning ascribed to it in NRS 294A.0055.

(b) “Contribution” has the meaning ascribed to it in NRS 294A.007.

(c) “Expenditure” has the meaning ascribed to it in NRS 294A.0075.

Sec. 14. 1. This section and section 13 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act becomes 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 January 1, 2022, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 314.

SUMMARY—~~[Revises]~~ Establishes provisions ~~[governing juvenile justice.]~~ relating to custodial interrogations of children. (BDR 5-783)

AN ACT relating to juvenile justice; ~~requiring the electronic recording of an interrogation of a child under certain circumstances; requiring a child to be represented by an attorney under certain circumstances; requiring a juvenile court to presume a child is indigent for the purpose of appointing an attorney to represent the child; directing the Juvenile Justice Oversight Commission to review and study the effects of certain provisions relating to juvenile justice;]~~ requiring a peace officer or probation officer who takes a child into custody to make certain disclosures to the child before initiating a custodial interrogation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this] This~~ bill requires a peace officer or probation officer ~~to make an electronic recording of an interrogation if the peace officer or probation officer interrogates a child under 15 years of age who is in custody and is suspected of committing certain acts. Section 1 exempts a peace officer or probation officer from the requirement to make an electronic recording if:~~ (1) exigent circumstances exist which present a serious and immediate threat of safety to the child or to the safety of others; or (2) the peace officer or probation officer makes contact with the child in the course of performing certain duties related to the supervision or placement of the child or providing services or other care to the child. Lastly, section 1 requires a child to be represented by an attorney during the electronic recording of such an interrogation.

~~Existing law requires a juvenile court to advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings if the child is alleged to be delinquent or in need of supervision. If a parent or guardian of such a child is indigent, existing law: (1) authorizes the parent or guardian to request the appointment of an attorney to represent the child; and (2) requires the juvenile court to appoint an attorney for the child if the parent or guardian of the child does not retain an~~

attorney for the child and is not likely to retain an attorney. (NRS 62D.030) Section 2 of this bill requires the juvenile court to: (1) presume a child is indigent for the purpose of appointing an attorney in juvenile proceedings and; (2) not require an affidavit concerning the financial disability of the child. Section 3 of this bill makes a conforming change.

~~Existing law establishes the Juvenile Justice Oversight Commission which performs certain functions relating to the juvenile system. (NRS 62B.600) Section 4 of this bill requires the Commission to hold one or more meetings to review and study the effectiveness of the juvenile justice system as a result of the provisions enacted and amended in this bill.]~~ who takes a child into custody to make certain disclosures to the child concerning his or her constitutional rights relating to custodial interrogations before initiating a custodial interrogation.

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

Section 1. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as otherwise provided in subsection 2, a~~ A peace officer or probation officer who takes a child ~~funder 15 years of age~~ into custody pursuant to NRS 62C.010 shall ~~make an electronic recording of any~~ , before initiating a custodial interrogation ~~if the child is alleged to have committed:~~

~~(a) An act deemed not to be a delinquent act pursuant to subsection 3 of NRS 62B.330; or~~

~~(b) An offense for which the child may or must be certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.~~

~~2. A peace officer or probation officer is not required to make an electronic recording pursuant to subsection 1 if:~~

~~(a) Exigent circumstances exist, including without limitation, a serious and immediate threat to the safety of the child or to the safety of others; or~~

~~(b) The peace officer or probation officer makes contact with the child in the course of performing any normal or routine duties related to the supervision or placement of the child or providing services or other care to the child.~~

~~3. If a peace officer or probation officer makes an electronic recording of a custodial interrogation pursuant to subsection 1, the child must be represented by an attorney during the custodial interrogation.~~

~~4.] , disclose to the child:~~

(a) You have the right to remain silent, which means you do not have to say anything to me unless you want to. It is your choice.

(b) If you choose to talk to me, whatever you tell me I can tell a judge in court.

(c) You have the right to have your parent with you while you talk to me.

(d) You have the right to have a lawyer with you while you talk to me. If your family cannot pay for a lawyer, you will get a free lawyer. That lawyer is your lawyer and can help you if you decide that you want to talk to me.

(e) These are your rights. Do you understand what I have told you?

(f) Do you want to talk to me?

2. As used in this section:

(a) “Custodial interrogation” means an interrogation of a child while the child is in custody.

(b) ~~“Electronic recording” means:~~

~~—(1) If audiovisual recording is feasible, an audiovisual recording; or~~

~~—(2) If audiovisual recording is not feasible, an audio-only recording.~~

~~—(c) “Interrogation” means questioning which is initiated by a peace officer or probation officer or any words or actions on the part of a peace officer or probation officer, other than those which are ordinarily attendant to confinement or detention, that the peace officer or probation officer should know are reasonably likely to elicit an incriminating response from the child who is being questioned.~~

Sec. 2. ~~NRS 62D.030 is hereby amended to read as follows:~~

~~—62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall [advise]:~~

~~—(a) Advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings [;~~

~~—2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment];~~

~~—(b) Presume the child is indigent for the purpose of appointing an attorney to represent the child pursuant to the provisions in NRS 171.188 [;~~

~~—3.];~~

~~—(c) Not require the child to submit an affidavit concerning the financial disability of the child; and~~

~~—(d) Except as otherwise provided in this section, [the juvenile court shall] appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.~~

~~—[4.] 2. A child may waive the right to be represented by an attorney if:~~

~~—(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or~~

~~—(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.~~

~~—[5.] 3. Except as otherwise provided in NRS 424.085, if the juvenile court appoints an attorney to represent a child, the parent or guardian must not be required to pay the fees and expenses of the attorney.~~

~~—[6.] 4. Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses~~

~~from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 62D.035 is hereby amended to read as follows:~~

~~62D.035 Subject to the provisions of subsection [6] 4 of NRS 62D.030 and chapter 260 of NRS, a public defender or any other attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of:~~

- ~~1. Any social worker licensed pursuant to chapter 641B of NRS;~~
- ~~2. Any qualified mental health professional, as defined in NRS 458A.057;~~
- ~~3. Any educator; and~~
- ~~4. Any other expert the attorney deems appropriate.] (Deleted by amendment.)~~

Sec. 4. ~~[1. The Juvenile Justice Oversight Commission established by NRS 62B.600 shall, during the 2025-2026 interim, review and study the effectiveness of the juvenile justice system as a result of:~~

- ~~(a) The provisions enacted by section 1 of this act.~~
- ~~(b) The provisions of NRS 62D.030, as amended by section 2 of this act.~~
- ~~2. The Commission shall hold one or more meetings in connection with the duties prescribed in this section.] (Deleted by amendment.)~~

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. 141.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 315.

SUMMARY—Revises provisions relating to the sealing of records for summary evictions. (BDR 3-569)

AN ACT relating to evictions; ~~[increasing the length of notice required before certain tenants may be evicted without cause;]~~ requiring the automatic sealing of records for certain summary evictions relating to defaults in the payment of rent which ~~[occurred]~~ are granted during the COVID-19 emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a landlord wanting to terminate certain tenancies without cause to serve tenants with a notice to vacate the rental unit. If the landlord wishes to evict such a tenant from real property or a mobile home leased for an indefinite time or with periodic rent, the notice must be: (1) at least 7 days for tenancies from week to week; (2) at least 30 days for all other periodic tenancies; or (3) at least 5 days for a tenancy at will. Similarly, if the landlord wishes to evict such a tenant of a dwelling unit subject to the~~

provisions of chapter 118A of NRS upon the termination or expiration of the rental agreement, the notice must be: (1) at least 7 days for tenancies from week to week; or (2) 30 days for all other tenancies. (NRS 40.251) Section 1 of this bill: (1) retains the existing periods of notice if the tenancy has continued for less than 1 year; (2) increases the period of notice to at least 60 days if the tenancy has continued for 1 year or more but less than 3 years; and (3) increases the period of notice to at least 90 days if the tenancy has continued for 3 years or more.]

Existing law establishes a supplemental remedy through an action for summary eviction when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent due by the month or a shorter period defaults in the payment of rent. (NRS 40.253) Existing law [“(1) requires a court to automatically seal records relating to such actions for summary eviction under certain circumstances; and (2)”; (1) upon an order of the court dismissing the action for summary eviction; (2) ten judicial days after the court issues an order denying the action for summary eviction; or (3) thirty-one days after the tenant files an affidavit relating to the action for summary eviction, if the landlord fails to file a timely affidavit of complaint relating to the action for summary eviction. Existing law also authorizes the court under certain circumstances to seal records relating to such actions for summary eviction which are not automatically sealed by the court. (NRS 40.2545) In addition to the existing procedures for the sealing of records relating to such actions for summary eviction, **section 2** of this bill requires a court to automatically seal any records relating to ~~any~~ any action for summary eviction ~~concerning a default in the payment of rent, upon the motion of the tenant and a decision of the court, if the court finds that the default in the payment of rent occurred~~ **that is granted** during the COVID-19 emergency. **Section 3** of this bill provides that the amendatory provisions of **section 2** apply to any action for summary eviction filed before, on or after the effective date of this bill.

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

Section 1. ~~NRS 40.251 is hereby amended to read as follows:~~
~~40.251 1. A tenant of real property, a recreational vehicle or a mobile home for a term less than life is guilty of an unlawful detainer when having leased:~~
~~(a) Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved, the tenant continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice of:~~
~~(1) For tenancies from week to week [;] where the tenancy has continued for a period of time of:~~
~~(I) Less than 1 year, at least 7 days;~~
~~(II) One year or more but less than 3 years, at least 60 days; or~~

~~— (III) Three years or more, at least 90 days;~~

~~— (2) Except as otherwise provided in subsection 2, for all other periodic tenancies [;] where the tenancy has continued for a period of time of:~~

~~— (I) Less than 1 year, at least 30 days;~~

~~— (II) One year or more but less than 3 years, at least 60 days; or~~

~~— (III) Three years or more, at least 90 days; or~~

~~— (3) For tenancies at will [;] where the tenancy has continued for a period of time of:~~

~~— (I) Less than 1 year, at least 5 days [;];~~

~~— (II) One year or more but less than 3 years, at least 60 days; or~~

~~— (III) Three years or more, at least 90 days.~~

~~— (b) [A] Except as otherwise provided in paragraph (c), a dwelling unit subject to the provisions of chapter 118A of NRS, the tenant continues in possession, in person or by subtenant, without the landlord's consent after expiration of:~~

~~— (1) The term of the rental agreement or its termination and [;] except as otherwise provided in subparagraph (2), the expiration of a notice of:~~

~~— (I) At least 7 days for~~

~~— (I) For tenancies from week to week [;] and~~

~~— (II) Except where the tenancy has continued for a period of time of:~~

~~— (I) Less than 1 year, at least 7 days;~~

~~— (II) One year or more but less than 3 years, at least 60 days; or~~

~~— (III) Three years or more, at least 90 days; or~~

~~— (2) Except as otherwise provided in subsection 2, [at least 30 days] for all other periodic tenancies [;] or~~

~~— (2) A] where the tenancy has continued for a period of time of:~~

~~— (I) Less than 1 year, at least 30 days;~~

~~— (II) One year or more but less than 3 years, at least 60 days; or~~

~~— (III) Three years or more, at least 90 days.~~

~~— (c) A dwelling unit subject to the provisions of chapter 118A of NRS, the tenant continues in possession, in person or by subtenant, without the landlord's consent after expiration of a notice of at least 5 days where the tenant has failed to perform the tenant's basic or contractual obligations under chapter 118A of NRS.~~

~~— [(c)] (d) A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection~~

~~8 of NRS 40.215, the tenant continues in possession, in person or by subtenant, without the landlord's consent:~~

~~— (1) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or~~

~~— (2) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.~~

~~— [(d)] (e) — A recreational vehicle lot, the tenant continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.~~

~~— 2. — Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a), [or] (b) *or* (c) of subsection 1, other than a tenancy from week to week, is 60 years of age or older or has a physical or mental disability, the tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1 by submitting a written request for an extended period and providing proof of the tenant's age or disability. A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to [subparagraph (2) of] paragraph [(b)] (c) of subsection 1.~~

~~— 3. — Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a), [or] (b) *or* (c) of subsection 1 is a federal worker, tribal worker, state worker or household member of such a worker, the tenant may request to be allowed to continue in possession during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends by submitting a written request for the extended period and providing proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during the shutdown.~~

~~— 4. — Except as otherwise provided in NRS 118A.315, a landlord who receives a request from a tenant pursuant to subsection 3 shall allow a tenant to continue in possession for the period requested.~~

~~— 5. — Any notice provided pursuant to paragraph (a), [or] (b) *or* (c) of subsection 1 must include a statement advising the tenant of the provisions of subsections 2, 3 and 4.~~

~~— 6. — If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. If the tenant submits proof to the court that the tenant is entitled to request such an extension, the court may grant the petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court denies the petition, the tenant must be allowed to continue in possession for 5 calendar days following the date of entry of the order denying the petition. **(Deleted by amendment.)**~~

Sec. 2. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. ~~**If a court shall order the automatic sealing of an**~~ **If a court grants an action for summary eviction pursuant to NRS 40.253 during the COVID-19 emergency, the court shall automatically seal the eviction case court file .** ~~**for any action for eviction which relates to a default in the payment of rent by a tenant, upon motion of the tenant and decision by the court, if the court finds that the default in the payment of rent occurred during the COVID-19 emergency.**~~

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in any action for summary eviction pursuant to NRS 40.253, 40.254 or 40.2542, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction; or

(c) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 or subsection 3 of NRS 40.2542, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.

~~12-1~~ **3.** In addition to the provisions for the automatic sealing of an eviction case court file pursuant to ~~subsection 1~~ **subsections 1 and 2**, the court may order the sealing of an eviction case court file ~~for an action for summary eviction pursuant to NRS 40.253, 40.254 or 40.2542:~~

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

~~13-1~~ **4.** If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

~~14-1~~ **5.** Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

~~§ 5.~~ 6. As used in this section ~~“eviction”~~:

(a) ***“COVID-19 emergency” means the period of time:***

(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and

(2) Ending on the date on which the Governor terminates the emergency described in the Declaration.

(b) ***“Eviction case court file”*** means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 3. The amendatory provisions of section 2 of this act apply to any action for summary eviction filed before, on or after the effective date of this act.

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. 148.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 235.

AN ACT relating to mining; **revising the application requirements for obtaining a permit to engage in an exploration project or mining operation**; prohibiting certain persons from obtaining **such** a permit; ~~to engage in an exploration project or mining operation;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from engaging in certain exploration projects or mining operations without a permit issued for that purpose by the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (NRS 519A.180, 519A.200) Existing law **further: (1) requires certain information to be included in an application for such a permit, including the name and address of the applicant and, if the applicant is a corporation or other business entity, the name and address of its principal officers; and (2)** prohibits the issuance of such a permit to an

applicant who is in default on any obligation relating to reclamation. (NRS 519A.190, 519A.210) ~~[This bill also prohibits]~~

Sections 1 and 2 of this bill require an applicant for such a permit who is a corporation or business entity to submit with the application the name and address of each person who has a controlling interest in the corporation or business entity. Sections 1 and 2 further require an applicant to submit an affidavit that states whether or not the applicant and each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to exploration projects or mining operations outside of this State.

Sections 1 and 2 prohibit the issuance of ~~[such]~~ a permit to any applicant that is a corporation or other business entity if any person ~~[listed as a principal officer of]~~ **who has a controlling interest in** the corporation or business entity has ~~or previously been listed as a principal officer of a~~ **had a controlling interest in another** corporation or business entity that has defaulted on any obligation relating to reclamation ~~[. However, this bill authorizes the issuance of such a permit if]~~ **unless** the applicant: (1) pays the full amount of the defaulted obligation or provides evidence of satisfaction of the defaulted obligation; and (2) demonstrates that the conditions which led to the default have been remedied and no longer exist.

Sections 1 and 2 further prohibit the issuance of a permit if the applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to an exploration project or mining operation outside of this State unless the applicant or person who has a controlling interest remedies all issues relating to the exploration project or mining operation outside of this State and becomes in good standing with all agencies of the other state and federal agencies.

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

Section 1. NRS 519A.190 is hereby amended to read as follows:

519A.190 **1.** A person who desires to engage in an exploration project must:

~~1-1~~ **(a)** File with the Division, upon a form approved by it, an application for a permit. The application must include:

~~1-a~~ **(1)** The name and address of the applicant and, if **the applicant is** a corporation or other business entity, ~~the~~ :

(I) The name and address of [its principal officers and its] each person who has a controlling interest in the corporation or business entity; and

(II) The name and address of the registered agent **of the corporation or business entity** for service of process;

~~{(b)}~~ (2) An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;

~~{(c)}~~ (3) The kinds of prospecting and excavation techniques that will be used in the exploration project; ~~{and}~~

~~{(d)}~~ (4) An affidavit stating whether or not the applicant and, if applicable, each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to exploration projects outside of this State; and

(5) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

~~{2.}~~ (b) Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

~~{3.}~~ (c) Agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project.

~~{4.}~~ Not be in default of any other obligation relating to reclamation pursuant to this chapter.

~~{5.}~~ (d) File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Except as otherwise provided in ~~{subsection 3.}~~ subsections 3 and 4, the Division shall not issue a permit to engage in an exploration project pursuant to this section to an applicant if:

(a) The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; ~~for~~

(b) For an applicant who is a corporation or other business entity, any person ~~listed as a principal officer of~~ who has a controlling interest in the corporation or business entity has or previously ~~been listed as a principal officer of a~~ had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280 ~~for~~; or

(c) The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to an exploration project outside of this State.

3. The Division may issue a permit to engage in an exploration project pursuant to this section to an applicant described in paragraph (a) or (b) of subsection 2 if the applicant:

(a) Pays to the Division the full amount of the defaulted obligation described in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of satisfaction of that defaulted obligation; and

(b) *Demonstrates to the Division that any conditions which led to the default have been remedied and that such conditions no longer exist.*

4. The Division may issue a permit to engage in an exploration project pursuant to this section to an applicant described in paragraph (c) of subsection 2 if the applicant demonstrates to the Division that the applicant or person who has a controlling interest in the corporation or business entity has remedied all issues related to the exploration project outside of this State and becomes in good standing with all agencies of the other state and federal agencies.

5. As used in this section, “person who has a controlling interest” means a person who:

(a) Owns or controls a majority of the voting stock or holds any other controlling interest, directly or indirectly, in a corporation or other business entity that gives the person the power to direct management or determine policy; or

(b) Is a principal officer, partner, director or trustee of a corporation or business entity.

Sec. 2. NRS 519A.210 is hereby amended to read as follows:

519A.210 1. A person who desires to engage in a mining operation must:
~~{1-}~~ (a) File with the Division, upon a form approved by it, an application for a permit for each location at which the person will conduct operations. The application must include:

~~{(a)}~~ (I) The name and address of the applicant and, if the applicant is a corporation or other business entity, ~~the~~ :

(I) The name and address of [its principal officers and its] each person who has a controlling interest in the corporation or business entity; and

(II) The name and address of the registered agent of the corporation or business entity for service of process;

~~{(b)}~~ (2) A completed checklist developed by the Division pursuant to NRS 519A.220; ~~and~~

~~{(c)}~~ (3) An affidavit stating whether or not the applicant and, if applicable, each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to mining operations outside of this State; and

(4) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

~~{2-}~~ (b) Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

~~{3-}~~ (c) Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.

~~{4-}~~ Not be in default of any other obligation relating to reclamation pursuant to this chapter.

~~{5-}~~ (d) File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

~~{6-}~~ (e) File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to ~~{subsection 1-}~~ *paragraph (a)*, on the same day the application is filed with the Division.

2. *Except as otherwise provided in ~~{subsection 3-}~~ subsections 3 and 4, the Division shall not issue a permit to engage in a mining operation pursuant to this section to an applicant if:*

(a) *The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; ~~for~~*

(b) *For an applicant who is a corporation or other business entity, any person ~~listed as a principal officer of~~ who has a controlling interest in the corporation or business entity has or previously ~~been listed as a principal officer of a~~ had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280 ~~for~~; or*

(c) *The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to a mining operation outside of this State.*

3. *The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (a) or (b) of subsection 2 if the applicant:*

(a) *Pays to the Division the full amount of the defaulted obligation described in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of satisfaction of that defaulted obligation; and*

(b) *Demonstrates to the Division that any conditions which led to the default have been remedied and that such conditions no longer exist.*

4. *The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (c) of subsection 2 if the applicant demonstrates to the Division that the applicant or person who has a controlling interest in the corporation or business entity has remedied all issues related to the mining operation outside of this State and becomes in good standing with all agencies of the other state and federal agencies.*

5. *As used in this section, “person who has a controlling interest” means a person who:*

(a) *Owns or controls a majority of the voting stock or holds any other controlling interest, directly or indirectly, in a corporation or other business entity that gives the person the power to direct management or determine policy; or*

(b) Is a principal officer, partner, director or trustee of a corporation or business entity.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 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 April 1, 2022, for all other purposes.

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. 181.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 455.

~~CONTAINS UNFUNDED MANDATE (§§ 7-9)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)~~

AN ACT relating to mental health; providing for the reporting of certain information by certain ~~health-related facilities~~ **providers of health care** relating to suicide; requiring certain insurers and other organizations providing health coverage to adhere to certain provisions of federal law; requiring certain insurers and other organizations providing health coverage to submit ~~a report~~ **information** demonstrating mental health parity and addiction equity compliance; **providing a penalty**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~provides for the licensure and regulation of medical facilities, facilities for the dependent and certain other health-related facilities. (NRS 449.029-449.240) Section 1 of this bill requires the State Board of Health to adopt regulations requiring certain medical facilities and facilities for the dependent to report information relating to suicide to the Chief Medical Officer or his or her designee. Sections 2 and 3 of this bill make conforming changes to indicate the placement of section 1 in the Nevada Revised Statutes. Sections 4-6 of this bill authorize certain actions to be taken against a facility that fails to report the required information.]~~ **requires a provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose to report that fact and certain additional information to the Chief Medical Officer pursuant to procedures adopted by regulation by the State Board of Health. (NRS 441A.120, 441A.150) Existing law: (1) makes it a misdemeanor for a provider of health care to willfully fail to make such a report; and (2) additionally subjects a provider of health care who willfully fails to make**

such a report to an administrative fine. (NRS 441A.920) Sections 6.2 and 6.4 of this bill additionally require a provider of health care who knows of, or provides services to, a person who has died by suicide, has attempted suicide or is suspected of having attempted suicide to report that fact to the Chief Medical Officer pursuant to procedures adopted by regulation by the State Board of Health. Section 6.6 of this bill provides for the confidentiality of personal information concerning a suicide or an attempted suicide reported to the Chief Medical Officer. Section 6.8 of this bill subjects a provider of health care who willfully fails to make such a report to the same misdemeanor penalty and administrative fine as a provider of health care who willfully fails to report a drug overdose. Section 6.4 requires the Chief Medical Officer to annually compile and submit to the Patient Protection Commission a report summarizing the information he or she receives from providers of health care concerning suicide.

The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 prohibits group health plans and health insurance issuers that provide benefits for mental health or substance use disorders from imposing less favorable benefit limitations on those benefits than on medical and surgical benefits. (Pub. L. No. 100-343, 122 Stat. 3765) Existing state law requires certain insurers or other organizations providing health coverage to comply with the Act. (NRS 687B.404) ~~[Sections 7-9]~~ Section 9 of this bill additionally ~~[require]~~ requires health insurers ~~[, including]~~ regulated under state law, other than state and local governmental entities that provide health coverage for their employees, to comply with the Act. ~~[Sections 7-9 also require each insurer or other organization subject to those requirements to submit to the Commissioner of Insurance a report containing certain information that demonstrates compliance with the Act.]~~ Section 9 requires the Commissioner to annually prescribe and provide to insurers a data request that solicits information necessary to evaluate the compliance of the insurer with those federal requirements. Section 8.3 of this bill exempts the adoption and amendment of the data request from requirements concerning the procedures set forth in existing law for adopting regulations. Section 9 requires an insurer to either complete the data request or submit to the Commissioner a copy of a report submitted to the Federal Government demonstrating compliance with those federal requirements. Sections 8.6 and 9 of this bill provide that such information reported by insurers is confidential. Section 9 requires the Commissioner to annually submit a report summarizing the information that he or she receives from insurers to the Patient Protection Commission, the Governor and the Legislature.

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

Section 1. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The Board shall adopt regulations requiring medical facilities, facilities for the dependent and facilities which are required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed to report information relating to suicide to the Chief Medical Officer or his or her designee. The regulations must prescribe:*~~

- ~~1. The facilities that are required to make reports;~~
- ~~2. The information that must be reported; and~~
- ~~3. The time within which such a report must be made.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 449.029 is hereby amended to read as follows:~~
~~449.029 As used in NRS 449.029 to 449.240, inclusive, and section 1 of this act, unless the context otherwise requires, “medical facility” has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 449.0301 is hereby amended to read as follows:~~
~~449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, and section 1 of this act do not apply to:~~

~~1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.~~

~~2. Foster homes as defined in NRS 424.014.~~

~~3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 449.160 is hereby amended to read as follows:~~
~~449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, and section 1 of this act upon any of the following grounds:~~

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, and section 1 of this act, or of any other law of this State or of the standards, rules and regulations adopted thereunder;~~

~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

~~— (e) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued;~~

~~— (d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility;~~

~~— (e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, **and section 1 of this act** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required;~~

~~— (f) Failure to comply with the provisions of NRS 449.2486;~~

~~— (g) Violation of the provisions of NRS 458.112;~~

~~— 2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:~~

~~— (a) Is convicted of violating any of the provisions of NRS 202.470;~~

~~— (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or~~

~~— (c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation;~~

~~— 3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:~~

~~— (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;~~

~~— (b) A report of any investigation conducted with respect to the complaint; and~~

~~— (c) A report of any disciplinary action taken against the facility;~~

~~→ The facility shall make the information available to the public pursuant to NRS 449.2486.~~

~~— 4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~— (a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and~~

~~— (b) Any disciplinary actions taken by the Division pursuant to subsection 2;~~
~~2-1 (Deleted by amendment.)~~

Sec. 5. ~~[NRS 449.163 is hereby amended to read as follows:~~

~~— 449.163 — 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1**~~

~~of this act, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:~~

~~— (a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;~~

~~— (b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;~~

~~— (c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;~~

~~— (d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and~~

~~— (e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:~~

~~— (1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or~~

~~— (2) Improvements are made to correct the violation.~~

~~2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:~~

~~— (a) Suspend the license of the facility until the administrative penalty is paid; and~~

~~— (b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.~~

~~3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, and section 1 of this act, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.~~

~~4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and section 1 of this act, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.] (Deleted by amendment.)~~

~~Sec. 6. [NRS 449.240 is hereby amended to read as follows:~~

~~449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive [], and section 1 of this act.] (Deleted by amendment.)~~

~~Sec. 6.2. NRS 441A.120 is hereby amended to read as follows:~~

~~441A.120 1. The Board shall adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating~~

to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

- (a) The diseases which are known to be communicable.
- (b) The communicable diseases which are known to be sexually transmitted.
- (c) The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.
- (d) For each communicable disease, the procedures for testing, treating, isolating and quarantining a person or group of persons who have been exposed to or have or are suspected of having the disease.
- (e) A method for ensuring that any testing, treatment, isolation or quarantine of a person or a group of persons pursuant to this chapter is carried out in the least restrictive manner or environment that is appropriate and acceptable under current medical and public health practices.

2. The Board shall adopt regulations governing the procedures for reporting cases or suspected cases of drug overdose, **suicide and attempted suicide** to the Chief Medical Officer or his or her designee, including the time within which such reports must be made and the information that such reports must include.

3. The duties set forth in the regulations adopted by the Board pursuant to subsection 1 must be performed by:

- (a) In a district in which there is a district health officer, the district health officer or the district health officer's designee; or
- (b) In any other area of the State, the Chief Medical Officer or the Chief Medical Officer's designee.

Sec. 6.4. NRS 441A.150 is hereby amended to read as follows:

441A.150 1. A provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board. If no provider of health care is providing services, each person having knowledge that another person has a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board.

2. A provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose shall report that fact and the information required by the Board pursuant to NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. The Chief Medical Officer or his or her designee shall upload that information to the database of the program established pursuant to NRS 453.162 if the program allows for the upload of such information.

3. **A provider of health care who knows of, or provides services to, a person who has died by suicide, has attempted suicide or is suspected of having attempted suicide shall report that fact and the information required**

by the Board pursuant to NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. The Chief Medical Officer shall annually compile and submit to the Patient Protection Commission created by NRS 439.908 a report summarizing the information reported pursuant to this subsection.

~~4.~~ **5.** A medical facility in which more than one provider of health care may know of, or provide services to, a person who has or is suspected of having a communicable disease, ~~or~~ who has suffered or is suspected of having suffered a drug overdose **or who has died by suicide, has attempted suicide or is suspected of having attempted suicide** shall establish administrative procedures to ensure that the health authority or Chief Medical Officer or his or her designee, as applicable, is notified.

~~4.~~ **5.** A laboratory director shall, in the manner prescribed by the Board, notify the health authority of the identification by his or her medical laboratory of the presence of any communicable disease in the jurisdiction of that health authority. The health authority shall not presume a diagnosis of a communicable disease on the basis of the notification received from the laboratory director.

~~5.~~ **6.** If more than one medical laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the results of the testing directly to the provider of health care for the patient shall also be responsible for reporting to the health authority.

Sec. 6.6. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, ~~or~~ drug overdose, **suicide or attempted suicide,** or by any person who has a communicable disease, ~~or~~ has suffered a drug overdose, **has died by suicide or has attempted suicide,** or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except:

1. As otherwise provided in NRS 439.538.
2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.
3. In a prosecution for a violation of this chapter.
4. In a proceeding for an injunction brought pursuant to this chapter.
5. In reporting the actual or suspected abuse or neglect of a child or elderly person.
6. To any person who has a medical need to know the information for his or her own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.
7. If the person who is the subject of the information consents in writing to the disclosure.
8. Pursuant to subsection 4 of NRS 441A.320 or NRS 629.069.

9. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

10. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

11. If the disclosure is authorized or required by NRS 239.0115 or another specific statute.

Sec. 6.8. NRS 441A.920 is hereby amended to read as follows:

441A.920 Every provider of health care, medical facility or medical laboratory that willfully fails, neglects or refuses to comply with any regulation of the Board relating to the reporting of a communicable disease ~~for~~, a drug overdose, a suicide or an attempted suicide or any requirement of this chapter is guilty of a misdemeanor and, in addition, may be subject to an administrative fine of \$1,000 for each violation, as determined by the Board.

Sec. 7. ~~NRS 287.010 is hereby amended to read as follows:~~

~~287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:~~

~~—(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.~~

~~—(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.~~

~~—(c) Provide group life, accident or health coverage through a self insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 254.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident~~

~~of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS ~~687B.404~~, 687B.408, 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.~~ **(Deleted by amendment.)**

Sec. 8. NRS 287.04335 is hereby amended to read as follows:

~~287.04335 If the Board provides health insurance through a plan of self insurance, it shall comply with the provisions of NRS ~~687B.404~~, 687B.409, 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.~~ **(Deleted by amendment.)**

Sec. 8.3. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The Governor.
- (b) Except as otherwise provided in NRS 209.221, the Department of Corrections.
- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- (i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
- (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
- (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.
- (m) The Silver State Health Insurance Exchange.
- (n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees’ Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

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

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

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

(d) NRS 90.800 for the use of summary orders in contested cases,
 ➤ prevail over the general provisions of this chapter.

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

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

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

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

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

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

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

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

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

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive ~~for~~; ***or***

(i) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

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

Sec. 8.6. 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, **687B.404**, 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. 9. NRS 687B.404 is hereby amended to read as follows:

687B.404 *1.* An insurer or other organization providing health coverage pursuant to chapter ~~287~~ **689A**, 689B, **689C**, 695A, 695B, 695C, ~~or 695F or 695G~~ of NRS, *including, without limitation, a health maintenance organization or managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid*, shall ~~comply with~~ *adhere to* the *applicable* provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, and any federal regulations issued pursuant thereto ~~regardless of whether the insurer or other organization is actually subject to those provisions.~~

~~2. On or before July 1 of each year, an insurer or other organization providing health coverage described in subsection 1 shall submit to the Commissioner a report which includes, for each health benefit plan under which the insurer or organization provides coverage to residents of this State:~~

~~(a) A description of the process used to develop or select the criteria for determining whether services or procedures are medically necessary with regard to:~~

- ~~(1) Mental health or addiction benefits; and~~
- ~~(2) Medical and surgical benefits;~~

~~—(b) Identification of any nonquantitative treatment limitations that apply to mental health or addiction benefits or medical and surgical benefits within each classification of benefits;~~

~~—(c) A description of the factors used to determine whether a nonquantitative treatment limitation will apply to a benefit and any factors that were considered but rejected;~~

~~—(d) A description of the specific evidentiary standards used to establish the factors described in paragraph (c) and any evidence relied upon in designing each nonquantitative treatment limitation;~~

~~—(e) A description of the comparative analyses, including, without limitation, the results of the analyses, performed to determine that:~~

~~—(1) The process and strategies used to design and apply each nonquantitative treatment limitation for mental health or addiction benefits are comparable to, and are applied no more stringently than, the processes and strategies used to design and apply each nonquantitative treatment limitation for medical and surgical benefits; and~~

~~—(2) Each nonquantitative treatment limitation for mental health or addiction benefits is, in practice, applied comparably to, and no more stringently than, each nonquantitative treatment limitation for medical and surgical benefits; and~~

~~—(f) Disclose the specific findings and conclusions reached by the insurer or other organization providing health coverage as a result of the analyses described in paragraph (e) indicating that the insurer or other organization is in compliance with the requirements of subsection 1.~~

~~—3. As used in this section:~~

~~—(a) “Health benefit plan” means a policy, contract, certificate or agreement offered or issued by an insurer or other organization described in subsection 1 to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services;~~

~~—(b) “Medically necessary” has the meaning ascribed to it in NRS 695C.055;~~

~~—(c) “Nonquantitative treatment limitation” means a treatment limitation, as defined in 45 C.F.R. § 146.136, which is not expressed numerically.} the Commissioner shall prescribe and provide to each insurer or other organization providing health coverage subject to the provisions of subsection 1 a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § 300gg-26(a)(8).~~

3. On or before October 1 of each year, each insurer or other organization providing health coverage subject to the provisions of subsection 1 shall:

(a) Complete and submit to the Commissioner the data request prescribed pursuant to subsection 2; or

(b) Submit to the Commissioner a copy of a report submitted by the insurer or other organization to the Federal Government demonstrating compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § 300gg-26(a)(8). The Commissioner may request from an insurer or other organization who submits a copy of such a report any supplemental information necessary to determine whether the insurer or other organization is in compliance with that federal law.

4. Any information provided by an insurer or other organization to the Commissioner pursuant to subsection 3 is confidential.

5. On or before December 31 of each year, the Commissioner shall compile a report summarizing the information submitted to the Commissioner pursuant to this section and submit the report to:

(a) The Patient Protection Commission created by NRS 439.908;

(b) The Governor; and

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Legislative Committee on Health Care.

6. The Commissioner may adopt any regulations necessary to carry out the provisions of this section.

Sec. 10. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 10.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~10.1~~ 10.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes 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 January 1, 2022, 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. 192.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 63.

CONTAINS UNFUNDED MANDATE (§§ 5, 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to public health; **revising provisions relating to the reporting of cases of syphilis**; requiring, with certain exceptions, the testing of pregnant women for certain sexually transmitted infections; revising provisions concerning the testing **and treatment** of pregnant women for syphilis; **restricting the amount that certain persons and facilities may require a third party insurer to pay for certain testing**; revising penalties for failure to comply with provisions concerning testing of pregnant women for sexually transmitted infections; providing a civil penalty; **requiring certain third party insurers to cover the testing of pregnant women for certain sexually transmitted infections**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the State Board of Health to prescribe by regulation the diseases that are known to be communicable; and (2) requires a provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease to report that fact to the local health authority. (NRS 441A.120, 441A.150) Section 1 of this bill requires the Board to designate syphilis as a communicable disease. Section 1.2 of this bill requires a report of a pregnant woman who has syphilis to include certain information relating to the treatment, if any, provided to the pregnant woman.

Existing law: (1) generally requires physicians and other persons who attend to a pregnant woman for conditions relating to her pregnancy to conduct a test for syphilis on the pregnant woman during the first and third trimesters of pregnancy; (2) requires a pregnant woman who tests positive for syphilis to receive treatment; and (3) provides that a violation of those requirements is a misdemeanor. (NRS 442.010, 442.020) **Section ~~1.1~~ 1.6** of this bill requires physicians and other persons who attend to pregnant women to make or ensure the performance of an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B and hepatitis C, unless the pregnant woman opts out of such examination and testing. **Section 2** of this bill expands the requirement to test a pregnant woman for syphilis by requiring **certain medical facilities, other than a hospital, and** an emergency department **or labor and delivery unit** in a hospital ~~for other medical facility admitting~~ **evaluating or treating** a pregnant woman to test the pregnant woman for syphilis if the pregnant woman indicates she has not had certain prenatal screenings and tests. **Section 2 additionally removes: (1) a requirement that a pregnant woman infected with syphilis commence treatment and instead requires the person or facility performing the testing to provide or refer for treatment if the woman consents; and (2) a restriction that a pregnant woman is only authorized to refuse testing for syphilis for religious reasons, thereby authorizing a pregnant woman to refuse such testing for any reason.** Section 2 also revises the times at which

a pregnant woman must be tested for syphilis. **Section 1.8 of this bill restricts the amount that a physician or other person who attends a pregnant woman, a hospital or other medical facility or a medical laboratory is authorized to require a third party insurer to pay for the testing and treatment required by sections 1.6 and 2. Section 3 of this bill: (1) replaces the misdemeanor violation for violating syphilis testing requirements with a civil penalty; (2) authorizes the imposition of a civil penalty against a person who violates the requirements of section ~~1.1~~ 1.6 concerning testing for other sexually transmitted infections ~~;~~ and (3) removes the penalty for a pregnant woman who refuses treatment for syphilis. or the provisions of section 1.8 restricting the amount that a third party may be billed.**

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2712-422.27421, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194, 689C.1945, 689C.195, 695A.184-695A.1875, 695B.1901-695B.1948, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 5-9, 11, 12, 14-17 and 19 of this bill require certain public and private health plans, including Medicaid, to provide coverage without prior authorization for an examination and testing of a pregnant woman for: (1) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6; and (2) syphilis in accordance with section 2. Sections 4, 10 and 13 of this bill make conforming changes to indicate the proper placement of sections 7, 9 and 12 of this bill in the Nevada Revised Statutes. Section 18 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirement of section 16 of this bill to provide coverage for the examination and testing described in sections 1.6 and 2. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 9, 11, 12, 14, 15 and 19 of this bill. (NRS 680A.200)

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

Section 1. NRS 441A.120 is hereby amended to read as follows:

441A.120 1. The Board shall adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

(a) The diseases which are known to be communicable ~~and~~, **which must include, without limitation, syphilis.**

(b) The communicable diseases which are known to be sexually transmitted.

(c) The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.

(d) For each communicable disease, the procedures for testing, treating, isolating and quarantining a person or group of persons who have been exposed to or have or are suspected of having the disease.

(e) A method for ensuring that any testing, treatment, isolation or quarantine of a person or a group of persons pursuant to this chapter is carried out in the least restrictive manner or environment that is appropriate and acceptable under current medical and public health practices.

2. The Board shall adopt regulations governing the procedures for reporting cases or suspected cases of drug overdose to the Chief Medical Officer or his or her designee, including the time within which such reports must be made and the information that such reports must include.

3. The duties set forth in the regulations adopted by the Board pursuant to subsection 1 must be performed by:

(a) In a district in which there is a district health officer, the district health officer or the district health officer's designee; or

(b) In any other area of the State, the Chief Medical Officer or the Chief Medical Officer's designee.

Sec. 1.2. NRS 441A.150 is hereby amended to read as follows:

441A.150 1. A provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board. If no provider of health care is providing services, each person having knowledge that another person has a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board. **A report of a pregnant woman who has or is suspected of having syphilis must include, without limitation, the fact that the case occurred in a pregnant woman and:**

(a) If treatment was provided, the type of treatment that was provided; or

(b) If the pregnant woman refused treatment, the fact that the pregnant woman refused treatment.

2. A provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose shall report that fact and the information required by the Board pursuant to NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. The Chief Medical Officer or his or her designee shall upload that information to the database of the program established pursuant to NRS 453.162 if the program allows for the upload of such information.

3. A medical facility in which more than one provider of health care may know of, or provide services to, a person who has or is suspected of having a communicable disease or who has suffered or is suspected of having suffered a drug overdose shall establish administrative procedures to ensure that the

health authority or Chief Medical Officer or his or her designee, as applicable, is notified.

4. A laboratory director shall, in the manner prescribed by the Board, notify the health authority of the identification by his or her medical laboratory of the presence of any communicable disease in the jurisdiction of that health authority. The health authority shall not presume a diagnosis of a communicable disease on the basis of the notification received from the laboratory director.

5. If more than one medical laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the results of the testing directly to the provider of health care for the patient shall also be responsible for reporting to the health authority.

~~{Section 1.}~~ **Sec. 1.4.** Chapter 442 of NRS is hereby amended by adding thereto ~~{a new section to read as follows:}~~ the provisions set forth as sections 1.6 and 1.8 of this act.

Sec. 1.6. 1. ~~Except as otherwise provided in subsection ~~1.3~~ 2,~~ a physician or other person permitted by law to attend upon a pregnant woman during gestation for conditions relating to her pregnancy shall make or ensure the performance of an examination of each pregnant woman to whom he or she attends, including any standard laboratory tests recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, for the discovery of *Chlamydia trachomatis*, gonorrhea, hepatitis B and hepatitis C. The physician or other person shall ensure that any necessary samples are taken from the pregnant woman and submitted to a laboratory ~~{approved by the State Board of Health}~~ licensed pursuant to chapter 652 of NRS for the testing required by this subsection.

~~2. If the test is made in a state laboratory, it must be made without charge.~~

~~3. A pregnant woman may opt out of any testing required by subsection 1.~~

Sec. 1.8. 1. A physician or other person permitted by law to attend upon a pregnant woman during gestation for conditions relating to her pregnancy shall not require a third party to pay more for any examination or test required by NRS 442.010 or section 1.6 of this act than the lowest rate prescribed in a contract between the third party and a provider of the same type as the physician or other person for the same test or treatment.

2. A laboratory shall not require a third party to pay more for any test required by NRS 442.010 or section 1.6 of this act than the lowest rate prescribed in a contract between the third party and a laboratory for the same test.

3. A hospital or other facility at which a sample is taken for the purpose of performing a test required by NRS 442.010 or section 1.6 of this act shall not require a third party to pay more for the test than the cost incurred by

the hospital or other facility to process the sample, including, without limitation, the cost of sending the sample to a laboratory.

4. As used in this section, “third party” means:

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(c) A participating public agency, as that term is 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

(d) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

Sec. 2. NRS 442.010 is hereby amended to read as follows:

442.010 1. Except as otherwise provided in subsection ~~5~~, 6, every:

(a) Physician attending a pregnant woman during gestation for conditions relating to her pregnancy shall make an examination, including a standard serological test, for the discovery of syphilis. The physician shall take or cause to be taken a sample of blood of the woman ~~during the first and third trimesters~~ at the times prescribed by subsection 2, if applicable, and shall submit the sample to a ~~qualified~~ laboratory ~~approved by the State Board of Health~~ licensed pursuant to chapter 652 of NRS for a standard serological test for syphilis.

(b) Person permitted by law to attend upon pregnant women, but not permitted by law to make blood tests in Nevada, shall cause a sample of the blood of the pregnant woman to be taken ~~during the first and third trimesters~~ at the times prescribed by subsection 2, if applicable, by a duly licensed physician and submitted to a ~~qualified~~ laboratory ~~approved by the State Board of Health~~ licensed pursuant to chapter 652 of NRS for a standard serological test for syphilis.

(c) ~~Emergency~~ Non-hospital medical facility or emergency department or labor and delivery unit in a hospital for other medical facility admitting a pregnant woman ~~that evaluates or treats a woman of childbearing age shall ensure that~~ that ~~ant~~ :

(1) The woman is asked if she is pregnant and, if she responds in the affirmative, whether she has had the prenatal screenings and tests recommended by the American College of Obstetricians and Gynecologists or its successor organization; and

(2) An examination is made, including a standard serological test, for the discovery of syphilis, if the ~~pregnant~~ woman indicates that she is pregnant and has not had the prenatal screenings and tests recommended by the American College of Obstetricians and Gynecologists or its successor organization. The non-hospital medical facility, emergency department or labor and delivery unit shall ensure that a sample of blood of the woman is taken at the times prescribed by subsection 2, if applicable, and shall ensure

the submission of the sample to a laboratory ~~approved by the State Board of Health~~ licensed pursuant to chapter 652 of NRS for a standard serological test for syphilis.

2. ~~{A qualified laboratory is one approved by the State Board of Health.}~~
An examination for the discovery of syphilis pursuant to ~~paragraph (a) or (b) of~~ subsection 1 must be performed:

(a) During the first trimester of pregnancy at the first visit to a physician or other person permitted by law to attend upon pregnant women, a non-hospital medical facility or an emergency department or labor and delivery unit of a hospital or as soon thereafter as practicable;

(b) During the third trimester of pregnancy between the 27th and 36th week of gestation or as soon thereafter as practicable; and

(c) At delivery for a pregnant woman who:

(1) Should be routinely tested for infection with syphilis, as recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

(2) Lives in an area designated by the Division as having high syphilis morbidity;

(3) Did not receive prenatal care; or

(4) Delivers a stillborn infant after 20 weeks of gestation.

3. A qualified serological test for syphilis is one recognized as such by the State Board of Health.

~~{3.}~~ 4. If the test is made in a state laboratory, it must be made without charge.

~~{4.}~~ 5. If ~~{the}~~ a serological or physical examination test performed pursuant to subsection 1 shows ~~{the}~~ that a pregnant woman is infected with syphilis, ~~{she immediately shall commence treatment for syphilis and shall continue treatment until discharged by a licensed physician.~~

~~—5.}~~ the physician, other person, non-hospital medical facility, emergency department or labor and delivery unit shall:

(a) If the physician, other person, non-hospital medical facility, emergency department or labor and delivery unit is capable of providing treatment for syphilis, seek the consent of the pregnant woman to begin such treatment and, if such consent is obtained, commence treatment; or

(b) If the physician, other person, non-hospital medical facility, emergency department or labor and delivery unit is not capable of providing treatment for syphilis, seek the consent of the pregnant woman to refer her for such treatment and, if such consent is obtained, issue the referral.

6. If the pregnant woman objects to the taking of the sample of blood or the serological test, ~~{because the test is contrary to the tenets or practices of her religion,}~~ the sample must not be taken and the test must not be performed.

7. As used in this section, “non-hospital medical facility” means:

(a) An obstetric center;

(b) An independent center for emergency medical care, as defined in NRS 449.013;

- (c) A psychiatric hospital, as defined in NRS 449.0165;
- (d) A rural clinic, as defined in NRS 449.0175;
- (e) A facility for modified medical detoxification, as defined in NRS 449.00385;
- (f) A mobile unit, as defined in NRS 449.01515; and
- (g) A community triage center, as defined in NRS 449.0031.

Sec. 3. NRS 442.020 is hereby amended to read as follows:

442.020 ~~Any~~

1. ~~A physician or other~~ Any person or entity violating any of the provisions of ~~attending a pregnant woman who fails to perform an examination as required by paragraph (a) or (b) of subsection 1 of~~ NRS 442.010 ~~shall be guilty of a misdemeanor.~~ or ~~section 1~~ sections 1.6 or 1.8 of this act may be assessed a civil penalty of not more than \$500.

2. ~~A hospital or other medical facility may be assessed a civil penalty of not more than \$500 if the emergency department of the hospital or other medical facility admits a pregnant woman and fails to ensure that an examination is made for the discovery of syphilis as required by paragraph (c) of subsection 1 of NRS 442.010.~~

~~3.~~ An action for the enforcement of a civil penalty assessed pursuant to this section may be brought in any court of competent jurisdiction by the district attorney of the appropriate county or the Attorney General.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and section 7 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the

compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, and section 11 of this act, 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. 6. 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, 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, **and section 19 of this act**, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for the examination of a pregnant woman for the discovery of:

1. Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

2. Syphilis in accordance with NRS 442.010.

Sec. 8. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695G.170, 695G.171 and 695G.177, **and sections 9, 11, 12, 14, 15, 16 and 19 of this act**, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 9. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the insurer; and

(b) Without prior authorization.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~, **and section 9 of this act.**

Sec. 11. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the insurer; and

(b) Without prior authorization.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

(b) “Network plan” means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 12. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the carrier; and

(b) Without prior authorization.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and section 12 of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 14. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the society; and

(b) Without prior authorization.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that issues a policy of health insurance shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the hospital or medical services corporation; and

(b) Without prior authorization.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

(b) “Network plan” means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 16. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the enrollee by a provider of health care, facility or medical laboratory that participates in the network plan of the health maintenance organization; and

(b) Without prior authorization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

(b) “Network plan” means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate

any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 and section 16 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 18. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, and section 16 of this act or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 19. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the managed care organization; and

(b) Without prior authorization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

(b) “Network plan” means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 20. 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.}~~ **Sec. 21.** This act becomes effective on July 1, 2021.

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. 201.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 317.

AN ACT relating to criminal procedure; requiring each office of a prosecuting attorney to maintain certain records relating to **certain** informants; requiring a prosecuting attorney to make certain disclosures to the defense relating to informants; requiring a court to instruct jurors to consider certain information relating to informants; ~~requiring the victim of a crime perpetrated by an informant to be informed of any leniency provided to the informant in exchange for his or her testimony or information;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 5 of this bill requires each office of a prosecuting attorney to maintain complete and systematic records of cases prosecuted by the office in which testimony or information was provided by an informant ~~+~~ **pursuant to a cooperation agreement. Sections 5 and 8** of this bill provide that such records are confidential and not considered public books or records.

Section 6 of this bill provides that if a prosecuting attorney intends to use testimony or information provided by an informant in a hearing or trial, the prosecuting attorney must disclose the following information or materials to the defense: (1) **a summary of the criminal history of the informant**; (2) a copy of any cooperation agreement; ~~between the State and the informant;~~ (3) any benefit that was provided or may be provided to the informant in exchange for his or her testimony or information; (4) the substance ~~of~~ **and, if known, the** time and place of any statement made by the defendant to the informant ~~of~~ **that is relevant to the hearing or trial**; (5) the substance ~~of~~ **and, if known, the** time and place of any statement implicating the defendant that was made by the informant to a law enforcement officer; (6) details relating to any occasion in which the informant recanted his or her testimony; ~~and~~ (7) information concerning other cases in which the informant ~~has~~ testified ~~or offered to testify or otherwise provided information~~ **in exchange for a benefit; and (8) any other case known to the prosecuting attorney in which the informant offered to provide testimony in exchange for a benefit but did not testify in the case.** **Section 6** requires such disclosures to be made not later than ~~45~~ **30** days before the hearing or trial unless the court revises the deadline for making the disclosures or the court continues the hearing or trial. **Section 6** also provides that if a court finds that making the disclosures may result in substantial bodily harm to the informant, the court may order the disclosures to only be made to the attorney for the defendant, and not to the defendant or any other party. Finally, **section 6** requires a court to instruct the jury to consider certain information in assessing the credibility of an informant. ~~Section 7 of this bill requires the prosecuting attorney to notify the victim of a crime perpetrated by an informant of any leniency provided to the informant in connection with his or her provision of testimony or information.~~

Sections 3, 3.5 and 4 of this bill define the terms ~~“benefit”~~ **“benefit,” “cooperation agreement”** and **“informant”**, **respectively**, for the purposes of this bill. **Section 2** of this bill makes a conforming change relating to the definitions.

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

Section 1. Chapter 178 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, 3.5 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Benefit” means:*

- 1. A plea bargain;*
- 2. Any consideration of bail or conditions of release;*
- 3. A reduction or modification of a term of sentence; or*
- 4. Any other leniency, immunity, financial payment, reward or amelioration of the current or future conditions of any term of sentence.*

Sec. 3.5. “Cooperation agreement” means a written agreement:

1. Between a person who is in jail or prison and the office of a prosecuting attorney wherein the person agrees to be an informant; and

2. Which includes, without limitation, a summary of:

(a) The testimony or information to be provided by the informant; and

(b) The benefit which has been or may be provided to the informant in exchange for the testimony or information described in paragraph (a).

Sec. 4. “Informant” means a person who:

1. Provides testimony or information on behalf of the State based on any statement made by a defendant while the defendant and the person were in jail or prison; and

2. Requested, received or may receive a benefit in connection with the provision of the testimony or information described in subsection 1.

Sec. 5. 1. Every office of a prosecuting attorney must maintain complete and systematic records of any case prosecuted by the office in which testimony or information was provided by an informant ~~for~~ pursuant to a cooperation agreement. The records must include, without limitation:

(a) The substance of the testimony or information; ~~and~~

(b) Any benefit that has been requested by, offered to or has been or may be provided to the informant in connection with the provision of the testimony or information ~~for~~; and

(c) A copy of the cooperation agreement.

2. The records described in subsection 1 are confidential and are not public books or records within the meaning of NRS 239.010.

Sec. 6. 1. Except as otherwise provided in subsections 2 and 3, if a prosecuting attorney intends to use testimony or information provided by an informant at a hearing or trial, the prosecuting attorney must disclose the following information or material to the defense as soon as possible, but not later than ~~45~~ 30 days before the hearing or trial:

(a) ~~The~~ A summary of the criminal history of the informant, including, without limitation:

(1) Any pending charges; and

(2) Any charge that was reduced or dismissed as part of a plea bargain;

(b) A copy of any cooperation agreement; ~~between the State and the informant concerning his or her provision of the testimony or information.~~

(c) Any benefit that has been requested by, offered to, or has been or may be provided to the informant in connection with his or her provision of the testimony; ~~for information.~~

(d) The substance ~~for~~ and, if known, the time and place of:

(1) Any statement that is relevant to the hearing or trial made by the defendant to the informant; and

(2) Any statement implicating the defendant in the charged offense made by the informant to a law enforcement officer;

(e) Any occasion in which the informant recanted his or her testimony, including, without limitation:

- (1) The time and place of the recantation;
- (2) The nature of the recantation; and
- (3) The name of any person who was present at the time of the recantation; ~~and~~

(f) Any other case in which the informant provided testimony ~~if offered to provide testimony or otherwise provided information in exchange for a benefit~~ and the benefit offered or provided in each case ~~if~~; and

(g) Any other case known to the prosecuting attorney in which the informant offered to provide testimony in exchange for a benefit but did not testify in the case.

2. A court may, upon good cause shown, implement a revised deadline for making the disclosures described in subsection 1 or, upon its own motion, continue the hearing or trial described in subsection 1, if:

(a) The informant was not known to the prosecuting attorney until after the deadline for making disclosures described in subsection 1; and

(b) The information and materials described in subsection 1 could not have been discovered or obtained by the prosecuting attorney with the exercise of due diligence before the deadline for making the disclosures described in subsection 1.

3. If a court finds that disclosing the information and materials described in subsection 1 will result in the possibility of substantial bodily harm to the informant, the court may require the information and materials to be viewed exclusively by the attorney for the defendant, and not by the defendant or any other party.

4. In every trial in which a prosecuting attorney uses testimony or information provided by an informant, the court shall instruct the jury to consider the information described in paragraphs ~~((d) and (e))~~ (c) to (g), inclusive, of subsection 1 in assessing the credibility of the informant.

Sec. 7. ~~1. If an informant receives any leniency relating to an offense against a person because of offering or providing testimony or information against a suspect or defendant, the prosecuting attorney shall notify any victim of a crime perpetrated by an informant of the leniency received by the informant.~~

~~2. As used in this section, "leniency" means:~~

~~(a) A plea bargain;~~

~~(b) A reduction or dismissal of charges;~~

~~(c) Any consideration of bail or conditions of release; or~~

~~(d) A reduction or modification of a term of sentence.~~ (Deleted by amendment.)

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 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 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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. 219.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 142.

Assemblyman Yeager, Nguven, C.H. Miller, Krasner, O'Neill; Bilbray-Axelrod, Cohen, González, Hardy, Marzola and Orentlicher

AN ACT relating to criminal justice; authorizing the sealing of criminal records after a pardon; requiring the sealing of criminal records under certain circumstances; authorizing the appeal of certain petitions to seal criminal records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a comprehensive system for the sealing of criminal records. (NRS 179.2405-179.301) Under existing law there is a presumption that criminal records should be sealed when the petitioner satisfies all statutory requirements for the sealing of the records. (NRS 179.2445) This bill requires a court to seal the criminal records of a petitioner under certain circumstances and makes various other changes to provisions governing the sealing of criminal records.

Section 1 of this bill requires a court and the Central Repository for Nevada Records of Criminal History to seal the criminal records of a person upon receipt of a certified copy of the unconditional pardon of the person from the

State Board of Pardons Commissioners. If the recipient of the pardon files a petition to seal his or her criminal records, **section 1** requires the court to grant the petition without review by the prosecuting attorney or agency so long as the charges that were pardoned are the same as the charges requested to be sealed.

Existing law authorizes a court to order the sealing of criminal records if a person convicted in the court submits a petition and the prosecuting attorney stipulates to the sealing of the records. If the prosecuting attorney does not stipulate to the sealing of the criminal records, existing law requires a hearing to be conducted to determine if the records should be sealed. (NRS 179.245, 179.247) **Sections 3 and 4** of this bill require a court to grant the sealing of the criminal records without a hearing if : **(1) the prosecuting agency stipulates to the sealing of the records; or (2)** all statutory requirements are met and the prosecuting ~~attorney~~ **agency does not stipulate to the sealing of the records or** does not file an objection to the sealing of the ~~criminal~~ records. **Sections 3 and 4** require: (1) a hearing on the petition to be held to determine if the criminal records should be sealed if the prosecuting ~~attorney~~ **agency** files a written objection; and (2) the petition to be granted if ~~the prosecuting attorney does not attend~~ **no objecting party attends** the hearing.

Existing law authorizes a person to petition a court to seal all records relating to an arrest if: (1) the person was never prosecuted for the crime; (2) a charge was filed against the person but later dismissed; or (3) the person was acquitted of the crime. If the prosecuting attorney stipulates to the sealing of the records relating to the arrest, existing law authorizes the court to seal the records. If the prosecuting attorney does not stipulate to the sealing of the records, existing law requires a hearing to be conducted to determine if the records should be sealed. (NRS 179.255) **Section 5** of this bill: (1) requires a court to grant a petition to seal all records relating to an arrest if **the prosecuting agency stipulates to sealing the records or if** there is no evidence that further action will be taken against the person and the person was acquitted of the crime; and (2) authorizes the court to seal all records relating to an arrest if there is no evidence that further action will be taken against the person and the person was never prosecuted for the crime or a charge was filed against the person but later dismissed. **Section 5** further requires: (1) that a hearing be conducted when a prosecuting ~~attorney~~ **agency** files a written objection to a petition to seal ~~arrest~~ **the records of the arrest;** and (2) the court to seal the records of the arrest pursuant to the statutory presumption favoring the sealing of records if ~~the prosecuting attorney does not attend~~ **no objecting party attends** the hearing. If the prosecuting ~~attorney~~ **agency does not stipulate to the sealing of the records or** does not file a written objection and the petitioner satisfies all statutory requirements to seal the records relating to the arrest, **section 5** requires the court to seal the records without a hearing.

Section 6 of this bill authorizes a person to appeal the denial of a petition to seal a record. ~~after two rehearings on the petition.~~ **Section 7** of this bill

authorizes a person to appeal the denial of a petition to seal records relating to a crime that has been decriminalized.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a court and the Central Repository for Nevada Records of Criminal History receive a certified copy of an unconditional pardon from the State Board of Pardons Commissioners, the court and the Central Repository for Nevada Records of Criminal History shall seal all records of criminal history subject to the pardon.*

2. *If a person receives a pardon from the State Board of Pardons Commissioners, the person may submit a written petition, accompanied by proof of the pardon, to any court in which the person was convicted for the sealing of all records of criminal history in its possession and in the possession of any agency of criminal justice relating to the charges for which the person received the pardon.*

3. *A petition submitted to a court pursuant to this section is not subject to review by the prosecuting attorney or an agency of criminal justice.*

4. *The court shall grant a petition submitted to the court pursuant to this section unless the charges listed in the petition are different from the charges listed in the pardon.*

5. *No fee may be charged by any court or agency of criminal justice for the submission of a petition pursuant to this section.*

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~179.2405 to 179.301~~, **and section 1 of this act.**

Sec. 3. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence pursuant to NRS 200.408 or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting ~~attorney who~~ agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within ~~40~~ 30 days after receiving notification

pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court ~~may~~ **shall** order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting ~~attorney does not stipulate to the sealing of the records,~~ **agency files a written objection,** a hearing on the petition must be conducted. **~~If the prosecuting attorney fails to attend,~~ no objecting party attends the hearing, the court shall apply the presumption set forth in NRS 179.2445 and seal the records.**

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction 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 may also order all such records of the petitioner returned to the file of the court where the proceeding 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 petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.430;
- (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (h) A violation of NRS 488.420 or 488.425.

7. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

8. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

- (2) Sexual assault pursuant to NRS 200.366.
- (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.
- (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.
- (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.
- (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.
- (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.
- (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (9) Incest pursuant to NRS 201.180.
- (10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.
- (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.
- (12) Lewdness with a child pursuant to NRS 201.230.
- (13) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
- (15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
- (16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.
- (17) An attempt to commit an offense listed in this paragraph.

Sec. 4. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

- (a) Vacating the judgment; and
- (b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting ~~attorney who~~ agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within ~~10~~ 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court ~~may~~ shall vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the prosecuting ~~attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits,~~ agency files a written objection, a hearing on the petition must be conducted. ~~If the prosecuting attorney fails to attend~~

no objecting party attends the hearing, the court shall apply the presumption set forth in NRS 179.2445, vacate the judgment and seal ~~the records,~~ all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

- (a) Vacate the judgment and dismiss the accusatory pleading; and
- (b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

10. As used in this section, "crime of violence" means:

- (a) Any offense involving the use or threatened use of force or violence against the person or property of another; or
- (b) Any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

Sec. 5. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

- (1) Any time after the applicable statute of limitations has run;
- (2) Any time 8 years after the arrest; or
- (3) Pursuant to a stipulation between the parties; or
- (c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➡ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the

conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting ~~attorney~~ agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within ~~10~~ 30 days after receiving

notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court ~~may~~ **shall** order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting ~~attorney does not stipulate to the sealing of the records,~~ **agency files a written objection to a petition,** a hearing on the petition must be conducted. ~~If the prosecuting attorney fails to attend,~~ **no objecting party attends the hearing, the court shall apply the presumption set forth in NRS 179.2445 and seal the records.**

7. If the court finds ~~that~~ :

(a) ~~That there has been an acquittal, that the prosecution was declined or that the charges were dismissed,~~ and there is no evidence that further action will be brought against the person, the court ~~may~~ **shall** order sealed all records of the arrest and of the proceedings leading to the acquittal ~~or declination or dismissal,~~ which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada ~~;~~ **;** or

(b) **That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.**

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 6. NRS 179.265 is hereby amended to read as follows:

179.265 1. A person whose petition is denied under NRS 179.245 or 179.255 may petition for a rehearing not sooner than 2 years after the denial of the previous petition.

2. ~~No person may petition for more than two hearings.~~

~~3. A person whose petition is denied may file an appeal, after two hearings.~~

Sec. 7. NRS 179.271 is hereby amended to read as follows:

179.271 1. Except as otherwise provided in this section, if an offense is decriminalized:

(a) Any person who was convicted of that offense before the date on which the offense was decriminalized may submit a written request to any court in which the person was convicted of that offense for the sealing of any record of criminal history in its possession and in the possession of any agency of criminal justice relating to the conviction.

(b) Upon receipt of a request pursuant to paragraph (a), the court shall, as soon as practicable, send written notice of the request to the office of the prosecuting attorney that prosecuted the offense. If the office of the prosecuting attorney objects to the granting of the request, a written objection to the request must be filed with the court within 10 judicial days after the date on which notice of the request was received. If no written objection to the request is filed, the court shall grant the request. If a written objection to the request is filed, the court must hold a hearing on the request. At the hearing, the court shall grant the request unless the prosecuting attorney establishes, by clear and convincing evidence, that there is good cause not to grant the request. The decision of the court to ~~grant or~~ deny the request is ~~not~~ subject to appeal.

2. No fee may be charged by any court or agency of criminal justice for the submission of a request pursuant to this section.

3. The provisions of this section do not apply to a traffic offense.

4. As used in this section:

(a) “Decriminalized” means that an offense is no longer punishable as a crime as the result of enactment of an act of the Legislature or the passage of a referendum petition or initiative petition pursuant to Article 19 of the Nevada Constitution.

(b) “Traffic offense” means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State.

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. 256.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 208.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage of doula services to the extent authorized by federal law; requiring the Department of Health and Human Services to apply for a waiver or State Plan amendment to receive federal funding for coverage of doula services; requiring any person who desires to provide doula services to a recipient of Medicaid to ~~register~~ **enroll** with the Division of Health Care Financing and Policy of the Department; requiring ~~to be registered~~ **an enrolled**

doula to report the abuse of certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to develop and administer the State Plan for Medicaid, which must include specific medical services required to be provided to recipients of Medicaid. (NRS 422.063, 422.270) Existing law requires: (1) the Director of the Department to include in the State Plan a requirement that the State pay the nonfederal share of expenditures for certain medical services; and (2) the Department to apply to the United States Department of Health and Human Services for a waiver of certain provisions of federal law or an amendment of the State Plan to authorize the receipt of federal funding to provide certain medical services to recipients of Medicaid. (NRS 422.270-422.27495) **Section 1** of this bill requires the Director to include in the State Plan a requirement that the State pay certain costs for doula services provided to Medicaid recipients. **Section 1** also requires the Department to apply for a waiver of federal Medicaid requirements or request to amend the State Plan to receive federal funding to provide coverage of doula services. Finally, **section 1** requires a doula who desires to provide doula services for a recipient of Medicaid to ~~register~~ **enroll** with the Division of Health Care Financing and Policy of the Department. **Section 4** of this bill makes a conforming change by including the duties listed in **section 1** among the duties the Director of the Department is required to fulfill.

Existing law requires certain persons in their professional or occupational capacity to report the suspected abuse, neglect, exploitation, isolation or abandonment of older or vulnerable persons or the suspected abuse or neglect of a child. (NRS 200.5093, 432B.220) **Sections 2 and 3** of this bill expand these reporting requirements to ~~a registered~~ **an enrolled** doula.

WHEREAS, The process of childbirth poses mortal risk to both the mother and her child; and

WHEREAS, Doulas provide physical and emotional support, accurate information concerning pregnancy, childbirth and the care of newborns and unwavering advocacy to women during pregnancy, labor, childbirth and the post-partum period; and

WHEREAS, Low-income women rarely have access to the essential services provided by doulas; and

WHEREAS, To reduce the risk posed to a mother and her child by the process of childbirth, it is necessary to expand access to nonmedical doula services; now, therefore,

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for doula services provided by ~~fa registered~~ an enrolled doula.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage of doula services provided by ~~fa registered~~ an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:

(a) An application for ~~registration~~ enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4. ~~fa and~~

~~(c) Any fee for registration prescribed by the Division.~~

4. The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall ~~adopt regulations prescribing~~ prescribe the required training and qualifications for ~~registration as a~~ enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula ~~pursuant to this section~~ services.

5. As used in this section:

(a) “Doula services” means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) ~~fa Registered~~ “Enrolled doula” means a doula who is ~~registered~~ enrolled with the Division ~~fa~~ pursuant to this section to receive reimbursement through Medicaid for doula services.

Sec. 2. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is ~~registered~~ enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 1 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) “Private school” has the meaning ascribed to it in NRS 394.103.

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 3. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff’s office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(o) Every person who is ~~registered~~ enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 1 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide

protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, “Unit for the Investigation and Prosecution of Crimes” means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 1 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, 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 January 1, 2022, 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. 370.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 397.

AN ACT relating to taxation; revising provisions governing the use of certain revenue from the tax on liquor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax on liquor, the amount of which is generally based on the percentage of alcohol by volume contained in the liquor. (NRS 369.330) Under existing law, all revenue collected from this tax is deposited to the credit of the Liquor Tax Account in the State General Fund and the Department of Taxation is required to indicate the amount, if any, which is derived from the tax on liquor containing more than 22 percent of alcohol by volume. (NRS 369.170) Existing law requires the Department to apportion and distribute monthly to the counties of this State the portion of the tax on liquor containing more than 22 percent of alcohol by volume collected during the preceding month which is equivalent to 50 cents per wine gallon.

(NRS 369.173) Existing law also requires the State Controller to transfer monthly to the Tax on Liquor Program Account in the State General Fund the portion of the tax on liquor containing more than 22 percent of alcohol by volume that exceeds \$3.45 per wine gallon. (NRS 369.174) Money in the Tax on Liquor Program Account is required to be used by the Division of Public and Behavioral Health of the Department of Health and Human Services to increase services for the prevention of alcohol or other substance use disorders and other related services. (NRS 458.097, 458.098) **Section 1** of this bill requires the State Controller to additionally transfer ~~[monthly]~~ to the Tax on Liquor Program Account ~~[an additional 15 percent of the amount]~~ the first \$200,000 of the tax on liquor containing more than 22 percent of alcohol by volume that is ~~[remaining]~~ available in each biennium after the distribution to the counties and the transfer to the Account of the amount that exceeds \$3.45 per wine gallon are made. **Section 2** of this bill requires that this additional ~~[15 percent of the tax that is]~~ money transferred to the ~~[Tax on Liquor Program]~~ Account be used by the Division of Public and Behavioral Health to pay for grants for the provision of certain recovery support services . ~~[and related administrative and personnel costs.]~~

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

Section 1. NRS 369.174 is hereby amended to read as follows:

369.174 ~~[Each month, the]~~ The State Controller shall transfer to the Tax on Liquor Program Account in the State General Fund, from the tax on liquor containing more than 22 percent of alcohol by volume ~~[, the]~~ :

1. ~~[The]~~ Each month, the portion of the tax which exceeds \$3.45 per wine gallon.
2. ~~[Fifteen percent]~~ Each biennium, the first \$200,000 of the tax after the distribution made pursuant to NRS 369.173 and the transfer made pursuant to subsection 1.

Sec. 2. NRS 458.097 is hereby amended to read as follows:

458.097 1. Money received by the Division pursuant to **subsection 1 of** NRS 369.174 must be used to increase services for the prevention of alcohol or other substance use disorders and for the detoxification and rehabilitation of persons with an alcohol or other substance use disorder. In allocating the money for the increase of services, the Division shall give priority to:

(a) The areas where there exists a shortage of services for the treatment of alcohol use disorders. The Division shall determine the areas of shortage on the basis of data available from state and local agencies, data contained in the comprehensive state plan for programs for alcohol or other substance use disorders, and other appropriate data.

(b) The needs of counties to provide:

(1) Civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol; and

(2) Secure detoxification units or other appropriate facilities for persons who are arrested or taken into custody while under the influence of a controlled substance.

(c) Programs for alcohol or other substance use disorders that are primarily directed toward the prevention of such disorders.

2. *Money received by the Division pursuant to subsection 2 of NRS 369.174 must be used to pay for ~~the~~*

~~*(a) Grants grants for the provision of recovery support services for the detoxification and rehabilitation of persons with alcohol or other substance use disorders by recovery support providers that:*~~

~~*(1) (a) Are certified by the Division pursuant to this chapter and any regulations adopted pursuant thereto; and*~~

~~*(2) (b) Meet any additional qualifications prescribed by the Division by regulation.*~~

~~*(b) Administrative and personnel costs related to such grants.*~~

3. As used in this section, “secure detoxification unit” has the meaning ascribed to it in NRS 458.175.

Sec. 3. 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. 406.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 326.

AN ACT relating to child support; providing for the withholding of gambling winnings of an obligor to apply to arrears in child support owed by the obligor; ~~requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to adopt regulations to provide for such withholding of gambling winnings;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that money may be withheld for the support of a child from any money due to an obligor as the prize from any contest or lottery. (NRS 31A.150) This bill ~~provides for~~ **authorizes** the withholding ~~by a licensed gaming establishment~~ of money from the gambling winnings of an obligor to apply to arrears in child support owed by the obligor.

~~Section 1 of this bill: (1) requires the Division of Welfare and Supportive Services of the Department of Health and Human Services to establish and maintain a secure, electronically accessible registry to be used for the purpose of withholding money from the gambling winnings of an obligor; (2) requires the Division, after consultation with the Nevada Gaming Control Board, to adopt regulations to provide for such withholding of gambling winnings; and~~

~~(2) sets forth the specific duties and responsibilities of a licensed gaming establishment and the Division in carrying out such withholding of gambling winnings.~~

~~Section 2 of this bill makes a conforming change to authorize the withholding of money from the gambling winnings of an obligor.]~~

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 a new section to read as follows:~~

~~1. The Division of Welfare and Supportive Services shall:~~

~~(a) Establish and maintain a secure, electronically accessible registry to be used for the purpose of withholding money from the gambling winnings of an obligor pursuant to this section. The registry must include, without limitation, the following information regarding an obligor:~~

~~(1) The name and address of the obligor.~~

~~(2) The social security number of the obligor.~~

~~(3) The amount of any arrears in the payment of child support.~~

~~(4) A case identifier for the obligor.~~

~~(5) Any other information the Division deems necessary to confirm the identity of the obligor.~~

~~(b) After consultation with the Nevada Gaming Control Board, adopt regulations to carry out the provisions of this section.~~

~~2. Before paying any portion of gambling winnings to a person, a licensed gaming establishment shall:~~

~~(a) Access the registry to determine whether the person is an obligor listed in the registry; and~~

~~(b) If the person is an obligor listed in the registry, withhold from the gambling winnings of the person the following amounts:~~

~~(1) An administrative fee of \$25 for carrying out its duties pursuant to this section.~~

~~(2) If, after deducting the administrative fee set forth in subparagraph (1), the amount of the remaining gambling winnings is equal to or less than the amount in arrears listed in the registry, 100 percent of the amount of the remaining gambling winnings.~~

~~(3) If, after deducting the administrative fee set forth in subparagraph (1), the amount of the gambling winnings remaining is more than the amount in arrears listed in the registry, the amount in arrears listed in the registry.~~

~~4. A licensed gaming establishment that withholds money from gambling winnings pursuant to this subsection shall provide to the obligor a written receipt in the form prescribed by the regulations adopted by the Division.~~

~~3. A licensed gaming establishment that withholds money from gambling winnings pursuant to subsection 2 shall, within 5 business days~~

~~after withholding such money and in the manner prescribed by the regulations adopted by the Division;~~

~~— (a) Remit the amount withheld to the Division; and~~

~~— (b) Provide to the Division a written notice that includes the following information:~~

~~— (1) The name and address of the obligor.~~

~~— (2) The social security number of the obligor.~~

~~— (3) The case identifier of the obligor.~~

~~— (4) The amount withheld from the gambling winnings of the obligor and the date on which it was withheld.~~

~~— (5) The name, address and contact information of the licensed gaming establishment.~~

~~— 4. Upon receipt of the money remitted and the notice provided from the licensed gaming establishment pursuant to subsection 3, the Division shall send a notice, by first class mail, to the obligor at the address the obligor provided to the licensed gaming establishment or, if the obligor failed to provide an address to the licensed gaming establishment, at the last known address of the obligor, that the Division intends to apply the amount of gambling winnings withheld by the licensed gaming establishment to the arrears in child support owed by the obligor.~~

~~— 5. Within 20 calendar days after receipt of the notice provided to the obligor pursuant to subsection 4, the obligor may submit to the Division a request for a hearing concerning the withholding of the gambling winnings of the obligor. Not later than the date of the hearing, the obligor and a representative of the Division must meet and make a good faith effort to resolve the matter. For the purposes of this section, an obligor shall be deemed to have received notice 3 calendar days after the date on which the Division deposited the notice in the mail.~~

~~— 6. If the obligor timely requests a hearing as provided in subsection 5 and meets with a representative of the Division as required by subsection 5, the hearing must be held in accordance with the provisions of NRS 425.3832 within 20 calendar days after the date on which the Division received the request for a hearing.~~

~~— 7. The Division shall not apply the money withheld from the gambling winnings of an obligor to the arrears in child support of the obligor until:~~

~~— (a) At least 23 calendar days after depositing in the mail the notice to the obligor pursuant to subsection 4; or~~

~~— (b) The conclusion and disposition of any hearing timely requested pursuant to subsection 5,~~

~~— whichever is later.~~

~~— 8. Any information about an obligor obtained by a licensed gaming establishment pursuant to this section must be used only for the purpose of carrying out the provisions of this section. A licensed gaming establishment is immune from criminal or civil liability for any act or omission made in~~

~~good faith to comply with the requirements of this section, including, without limitation:~~

~~(a) Any disclosure of personal information to the Division; and~~

~~(b) The withholding of any money from the obligor or remittance of any money to the Division.~~

~~9. The withholding of money from the gambling winnings of an obligor to apply to arrears in child support has priority over any other secured or unsecured claim on the gambling winnings, except claims for federal or state taxes that are required to be withheld under federal or state law.~~

~~10. As used in this section:~~

~~(a) "Gambling winnings" means winnings at a licensed gaming establishment that are required to be reported to the Internal Revenue Service on Form W-2G.~~

~~(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.~~

~~(c) "Registry" means the registry established and maintained by the Division pursuant to this section.~~ (Deleted by amendment.)

Sec. 2. NRS 31A.150 is hereby amended to read as follows:

31A.150 1. Money may be withheld for the support of a child pursuant to NRS 31A.025 to 31A.190, inclusive, ~~and section 1 of this act,~~ from any money:

(a) Due to:

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

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

(3) 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) Due to the obligor as a judgment, a settlement, ~~for~~ the prize from any contest or lottery ~~or~~ **or gambling winnings**, from any person or other entity, whether the money is payable periodically or in a lump sum. As used in this paragraph, "gambling winnings" has the meaning ascribed to it in section 1 of this act, means winnings at a licensed gaming establishment, as defined in NRS 463.0169, that are required to be reported to the Internal Revenue Service on Form W-2G.

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.

Sec. 3. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act

before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 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. 414.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 327.

AN ACT relating to real property; revising the exemption from real property transfer taxes for the conveyance of real property under a deed which becomes effective upon the death of the grantor; revising provisions governing the enforcement of claims against real property transferred pursuant to a deed upon death; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to create a deed that transfers his or her real property to a beneficiary or multiple beneficiaries pursuant to a deed that becomes effective upon the person's death and refers to such a deed as a deed upon death. (NRS 111.661, 111.669) Under existing law, upon the death of the last grantor of a deed upon death, a declaration of the value of the real property being transferred and a copy of the death certificate must be attached to a Death of Grantor Affidavit and recorded in the office of the county recorder in which the deed upon death was recorded. (NRS 111.699) Existing law exempts from taxes on the transfer of real property any conveyance of real property by a deed upon death. (NRS 375.090) **Section 1** of this bill provides that upon the recording of the Death of Grantor Affidavit in the office of the county recorder upon the death of the grantor, the conveyance of real property is also exempt from taxes imposed on the transfer of real property. **Sections 3 and 6** of this bill provide that this exemption applies to any Death of Grantor Affidavit recorded in the office of a county recorder on or after the passage and approval of this bill.

Under existing law, if the probate estate of the grantor of a deed upon death is insufficient to satisfy certain claims or allowances against the estate, the estate is authorized to enforce the liability for the claim or allowance against the property transferred pursuant to the deed upon death. Existing law requires a proceeding to enforce this liability to be commenced not later than 18 months after the death of the grantor. (NRS 111.689) **Sections 2 and 4** of this bill remove this limitation and establish a procedure for claims to be made against property transferred pursuant to a deed upon death if the grantor of the deed upon death dies on or after July 1, 2021. Under **section 2**, the beneficiary or beneficiaries under a deed upon death are required to provide certain notice of the death of the grantor of the deed upon death, **including to, among others,**

the Department of Health and Human Services, and a person or entity who has a claim against the grantor or his or her probate estate is required to file the claim with the beneficiary or beneficiaries within 90 days after the notice is provided. If a claim is not filed within 90 days after the notice is provided, any claim against the grantor or his or her probate estate can no longer be made against the property transferred pursuant to the deed upon death, and the beneficiary or beneficiaries under the deed upon death are authorized to sell or distribute the property without personal liability for any claim which was not timely filed. **if the beneficiary or beneficiaries have received a waiver of claim after providing the written notice to the Department of Health and Human Services.** If the beneficiary or beneficiaries under a deed upon death reject, in whole or in part, any claim that is timely filed, the beneficiary or beneficiaries are required to notify the claimant and the claimant is authorized to bring a suit in the court with jurisdiction against the beneficiary or beneficiaries but such suit must be brought within 30 days after the beneficiary or beneficiaries provided notice of the rejection of the claim. Finally, **section 2:** (1) establishes a procedure for the beneficiary or beneficiaries under a deed upon death to provide notice to the Department of Health and Human Services ~~;~~ ~~if the beneficiary or beneficiaries know or have reason to know that the grantor of the deed upon death was a recipient of public assistance; and~~ (2) provides that the property transferred pursuant to such a deed upon death remains subject to any claim by the Department to recover public assistance provided to the grantor ~~;~~ **and (3) provides that a person dealing with a beneficiary of a deed upon death has the same rights and protections as the person would have if the beneficiary had been named as a distributee of the property in an order for distribution of the grantor's estate that had become final if the person acted in good faith and for valuable consideration and a Death of Grantor Affidavit was recorded by the county recorder.**

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

Section 1. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive ~~H~~, ***and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.***

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

↪ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. A transfer to an educational foundation. As used in this subsection, “educational foundation” has the meaning ascribed to it in subsection 3 of NRS 388.750.

13. A transfer to a university foundation. As used in this subsection, “university foundation” has the meaning ascribed to it in subsection 3 of NRS 396.405.

14. A transfer to a library foundation. As used in this subsection, “library foundation” has the meaning ascribed to it in NRS 379.0056.

Sec. 2. NRS 111.689 is hereby amended to read as follows:

111.689 1. To the extent the grantor’s probate estate is insufficient to satisfy an allowed claim against the estate or a statutory allowance to a surviving spouse or child, the estate may enforce the liability against property transferred pursuant to a deed upon death.

2. If more than one property is transferred pursuant to one or more deeds upon death, the liability for any claim must be apportioned among the properties in proportion to their net values at the grantor’s death.

3. ~~[A proceeding to enforce the liability under this section must be commenced not later than 18 months after the grantor's death.]~~ *The beneficiary or beneficiaries under a deed upon death must, after the death of the grantor, cause to be published a notice in the manner specified in paragraph (b) of subsection 1 of NRS 155.020 and mail a copy of the notice to ~~known~~ :*

- (a) The personal representative of the grantor, if known;*
- (b) The Department of Health and Human Services; and*
- (c) Known or readily ascertainable creditors of the grantor or the probate estate of the grantor.*

4. *The notice published pursuant to subsection 3 must be in substantially the following form:*

NOTICE TO CREDITORS

*Notice is hereby given that the undersigned is/are the beneficiary or beneficiaries under a deed upon death executed by
(grantor(s)) on the day of, and that said grantor(s) died on the day of, and that said grantor(s) had a date of birth of the day of
..... A creditor having a claim against the grantor(s) or their estate must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.*

Dated this day of,

Beneficiary or Beneficiaries:

Address:

.....

5. *A person or entity having a claim, due or to become due, against a grantor or his or her probate estate, as applicable, must file the claim with the beneficiary or beneficiaries within 90 days after the mailing, for those required to be mailed, or 90 days after publication of the first notice to creditors pursuant to subsection 3. Any claim against a grantor or the probate estate of a grantor, as applicable, not filed within that time is forever barred. After the expiration of the time to file a claim as provided in this section, the beneficiary or beneficiaries may sell or distribute the property transferred pursuant to the deed upon death, without personal liability for any claim which has not been timely filed with the beneficiary or beneficiaries ~~++~~ if, in accordance with subsection 6, the beneficiary or beneficiaries have received a waiver of claim after providing written notice to the Department of Health and Human Services as required by subsection 3.*

6. ~~*If the beneficiary or beneficiaries under the deed upon death know or have reason to believe that the grantor received public assistance during the lifetime of the grantor, the beneficiary or beneficiaries shall give notice*~~

~~within 30 days after the death of the grantor to the Department of Health and Human Services in the manner provided in NRS 155.010.~~ If notice to the Department ~~is required by this subsection but~~ of Health and Human Services is not given, the property transferred by the deed upon death remains subject to the right of the Department to recover public assistance received by the grantor. The Department may initiate an action to impose a lien on the real property transferred by the deed upon death pursuant to NRS 422.29306, take any other action allowable by law to secure the future recovery of benefits or make a written demand for payment, as applicable. The Department shall notify the beneficiary or beneficiaries in writing within 45 days after receipt of a notice pursuant to subsection 3 whether the grantor was a recipient of public assistance and, if he or she was not a recipient of assistance, provide an original waiver of claim to the beneficiaries for the purposes of recording the deed upon death.

7. ~~##~~ For claims not originating with the Department of Health and Human Services, if a claim is rejected by the beneficiary or beneficiaries under the deed upon death, in whole or in part, the beneficiary or beneficiaries must, within 10 days after the rejection, notify the claimant of the rejection by written notice sent by registered or certified mail to the mailing address of the claimant. The claimant must bring suit in the proper court against the beneficiary or beneficiaries within 30 days after the notice is sent, whether the claim is due or not, or the claim is barred forever and the beneficiary or beneficiaries under the deed upon death may distribute the property transferred by the deed upon death without personal liability to any creditor whose claim is barred forever.

8. A title company that is engaged regarding the transfer of the property identified in a deed upon death ~~must~~ may recognize that the notices provided pursuant to this section constitute adequate notice required by law. A title company is not liable for claims of which the title company is not made aware by the beneficiaries.

9. A person dealing with a beneficiary of a deed upon death has the same rights and protections as the person would have if the beneficiary had been named as a distributee of the property in an order for distribution of the grantor's estate that had become final if both of the following conditions are satisfied:

- (a) The person acted in good faith and for valuable consideration; and
- (b) A Death of Grantor Affidavit was recorded pursuant to NRS 111.699.

Sec. 3. The amendatory provisions of section 1 of this act apply to a Death of Grantor Affidavit recorded in the office of a county recorder pursuant to NRS 111.699 on or after the effective date of section 1 of this act.

Sec. 4. The amendatory provisions of section 2 of this act apply only if the death of a grantor who makes a deed upon death pursuant to NRS 111.655 to 111.699, inclusive, occurs on or after July 1, 2021.

Sec. 5. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and

Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 6. 1. This section and sections 1, 3 and 5 of this act become effective upon passage and approval.

2. Sections 2 and 4 of this act become 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.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 126, 192, 219, 256, and 370 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Bill 54 creates the Advisory Committee on Traffic Safety within the Department of Transportation to review, study, and make recommendations on evidence-based best practices for preventing and reducing deaths and injuries related to motor vehicle crashes; data on motor vehicle crashes resulting in death or serious bodily injury; policies intended to reduce or prevent deaths and injuries related to motor vehicle crashes; and other submitted matters. The bill authorizes the Committee to establish working groups, task forces, and similar entities as necessary and requires the Committee to submit an annual report.

Roll call on Assembly Bill No. 54:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews—4.

EXCUSED—Kasama, O'Neill—2.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 67.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 67 revises provisions relating to the discipline of a pupil from a public school, charter school, or university school for profoundly gifted pupils. Specifically, the bill revises the categories of discipline that may be used to discipline a student to include suspension, significant suspension, expulsion, and permanent expulsion. A pupil with a disability may be suspended, expelled, or permanently expelled under certain circumstances in compliance with federal law.

Additionally, only significant suspensions can be considered when determining if a pupil should be deemed a habitual disciplinary problem. Finally, AB 67 provides that the Open Meeting Law does not apply to certain disciplinary hearings or proceedings with the children at said schools.

Roll call on Assembly Bill No. 67:

YEAS—40.

NAYS—None.

EXCUSED—Kasama, O’Neill—2.

Assembly Bill No. 67 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 105 requires that any board formed to govern the Nevada Interscholastic Activities Association include three members who are parents or guardians of pupils participating in sanctioned sports. The bill also requires that any advisory board to a governing board include three members who are pupils participating in sanctioned sports.

Roll call on Assembly Bill No. 105:

YEAS—40.

NAYS—None.

EXCUSED—Kasama, O’Neill—2.

Assembly Bill No. 105 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblywomen Bilbray-Axelrod, Black, and Carlton.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 109 requires that at least 80 percent of all teachers who provide instruction at a charter school hold a license or endorsement to teach in Nevada. Additionally, any teacher providing instruction in a core academic subject, English as a second language, or special education must be licensed to teach in Nevada. Non-licensed instructors must meet certain requirements to be authorized to provide instruction. The bill also provides that a teacher employed at a charter school on or before July 1, 2021, who does not have a license to teach may continue teaching at the charter school without a license until July 1, 2026.

ASSEMBLYWOMAN BLACK:

As originally introduced, the bill was horrible. As amended, it is merely terrible. The purpose of this bill is to help teachers’ unions, not help our kids. It seeks to hamstring public charter schools by restricting who they may hire as classroom teachers. Such bureaucratic interference in school management is one of the reasons our traditional public schools perform so badly and why so many parents choose the innovative charter school option in the first place. And “choose” is the important word here. No one is forcing parents to put their kids in charter schools. Parents who choose charter schools for their children are fully aware of their operation and how different it is from our traditional union-run public schools. The inconvenient truth here is that there are waiting lists to get into a number of them.

Instead of trying to force charter schools to operate more like so many of our failing traditional public schools, we should be trying to force our failing traditional public schools to operate more like charter schools. Make no mistake—simply pumping more money into our failing traditional public schools is not the answer. If a car has a blown engine, giving it an expensive new paint job is not going to fix the problem. Charter schools work, and when something works do not fix it. I urge my colleagues to oppose this bill and instead focus on real institutional changes to our traditional public schools rather than simply throwing more good money after bad.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 109. Serving on the interim Education Committee was a real eye-opener for me. I had not ever had the privilege of serving on Education before, but with all the changes going on, I thank you for appointing me to that committee. We learned a lot about charter schools during that time. Currently they only must have 70 percent of their folks be licensed teachers, and we found that to be too low. We would see that number be much higher. The bill that came out of the interim Education Committee was 100 percent, and I was really hoping for 95 because I knew there was going to be negotiation. But here we are at 80 percent. It is a step forward. There is a saying in this building—do not let the perfect be the enemy of the good. This is a significant step forward.

Does not every child in the state deserve a licensed teacher? We know it does not always work for certain, particular, individual curricula like specialty math or music. But let us think about it. Does not every child in this state deserve a licensed teacher that we know is qualified to stand in a room with our children?

Roll call on Assembly Bill No. 109:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hafen, Leavitt, Matthews, McArthur, Titus, Wheeler—9.

EXCUSED—Kasama, O’Neill—2.

Assembly Bill No. 109 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 154 authorizes a public utility to provide to its customers by electronic transmission certain notices, including notices of quarterly rate adjustments. A notice of quarterly rate adjustment must be printed on a separate piece of paper if included with a customer’s regular mailed monthly bill or identified as a quarterly rate adjustment in the subject line of an electronic transmission.

Roll call on Assembly Bill No. 154:

YEAS—40.

NAYS—None.

EXCUSED—Kasama, O’Neill—2.

Assembly Bill No. 154 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 178.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 178 requires insurers, including Medicaid, the Public Employees' Benefits Program, and local governments that provide coverage for their employees to one, waive any restrictions on the time period within which a prescription may be refilled for an insured who resides in the area to which a state of emergency or declaration of disaster applies if the insured requests the refill within a certain time, and, two, authorize payment for a supply of a covered prescription drug for up to 30 days for any insured who requests a refill under those conditions.

The measure allows a pharmacist to fill or refill a prescription in an amount that is greater than the amount authorized by the prescribing practitioner but does not exceed a 30-day supply of the drug if the drug is not a controlled substance listed in schedule II and the patient resides in an area where a state of emergency or declared disaster applies.

This was a situation that actually happened with me last year with my mom when she needed some of her medications refilled. So I wanted to bring this legislation forward since I had this happen personally. Passing this legislation would give all Nevadans that depend on their medications the peace of mind and assurance that they can have those prescriptions if we are ever in a state of emergency as we are now. I urge you to vote yes on Assembly Bill 178.

Roll call on Assembly Bill No. 178:

YEAS—40.

NAYS—None.

EXCUSED—Kasama, O'Neill—2.

Assembly Bill No. 178 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 210 provides for the registration and regulation of certain business entities that provide chiropractic services. Such business entities must register with the Chiropractic Physicians' Board of Nevada. The measure specifies the duties of such registered entities. The measure also makes various changes to the practice of chiropractic, including changing the title of a person who provides chiropractic services to "chiropractic physician" and the title of a person assisting a chiropractic physician to "chiropractic assistant". It also revises certain educational qualifications of an applicant for a chiropractic license.

Roll call on Assembly Bill No. 210:

YEAS—34.

NAYS—Carlton, Ellison, Flores, González, Titus, Wheeler—6.

EXCUSED—Kasama, O'Neill—2.

Assembly Bill No. 210 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Assembly Bill 320 authorizes the operation of a large all-terrain vehicle [ATV] on a street within a city or township whose population is less than 25,000 if the large ATV has the equipment required for operation on a highway; the large ATV is registered with the Department of Motor

Vehicles as a motor vehicle intended for operation on a highway; and the governing body of the city, county, or township having jurisdiction over such a street has not prohibited the operation of large ATVs on any portion of such a street. The bill revises the definition of “large all-terrain vehicle” to mean any ATV that has non-straddle seats and includes seating capacity for at least two people, and adds main county roads to the list of designated highways upon which a person may operate a large ATV. This bill is effective on October 1, 2021.

Roll call on Assembly Bill No. 320:

YEAS—40.

NAYS—None.

EXCUSED—Kasama, O’Neill—2.

Assembly Bill No. 320 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 342 provides that the State Board of Parole Commissioners will only be responsible for establishing the program of lifetime supervision and establishing the conditions of such a program for a sex offender who is sentenced before July 1, 2021. All current duties and responsibilities relating to lifetime supervision of sex offenders sentenced on or after July 1, 2021, are transferred from the Board to the sentencing court. The measure also revises the frequency of the review of the Board’s standards by providing that the standards must be reviewed at least once every five years.

Roll call on Assembly Bill No. 342:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Krasner, Leavitt, Matthews,
McArthur, Roberts, Titus, Tolles, Wheeler—14.

EXCUSED—Kasama, O’Neill—2.

Assembly Bill No. 342 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 398 prohibits a seller’s agent from completing a disclosure form on behalf of the seller of a residential property. A seller’s agent is not liable to the purchaser if one, the seller is aware of a defect and fails to disclose the defect to the purchaser on the disclosure form or, two, the seller discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse.

Roll call on Assembly Bill No. 398:

YEAS—40.

NAYS—None.

EXCUSED—Kasama, O’Neill—2.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

Bill read third time.

The following amendment was proposed by Assemblywoman Krasner:

Amendment No. 456.

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 perform certain duties relating to victims of human trafficking; 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) **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 (4) form ~~the statewide coalition~~ **the State of Nevada Human Trafficking Coalition** to assist the designated human trafficking specialist in carrying out his or her duties and in maximizing resources for local human trafficking task forces. **Section 1** also requires the Administrator 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 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:

(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 Administrator deems appropriate:

(1) Develop a statewide plan for the delivery of services to victims of human trafficking; and

(2) Form the State of Nevada Human Trafficking Coalition, a statewide coalition consisting of interested parties and stakeholders to assist the human trafficking specialist designated pursuant to paragraph (a) in:

(I) Carrying out his or her duties pursuant to this section; and

(II) Maximizing resources for local human trafficking task forces.

2. The plan developed pursuant to subparagraph (1) of paragraph (c) of subsection 1 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) Resources for victims of human trafficking, including, without limitation, medical, psychological, housing, education, job training, child care, victims' compensation, legal and other services;

(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 Administrator shall periodically review the statewide plan developed pursuant to subparagraph (1) of paragraph (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. (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, reengrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 62.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:48 p.m.

ASSEMBLY IN SESSION

At 12:52 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, April 19, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:57 p.m.

Approved:

JASON FRIERSON

Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly